

Chapter 46

VEHICLES FOR HIRE AND VALET PARKING SERVICES*

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ARTICLE I. IN GENERAL

Secs. 46-1—46-15. Reserved.

ARTICLE II. TAXICABS

DIVISION 1. GENERALLY

Sec. 46-16. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence

in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

Curb means the raised edge of the street, driveway, or other public or private way upon which a taxicab is operating, provided that if no raised edge curbing exists, then it means the edge of the area that is paved for vehicular operation.

Daytime trip means a taxicab trip originating between the hours of 6:00 a.m. and 8:00 p.m.

***Editor's note**—Section 2 of Ord. No. 03-703, adopted July 30, 2003, renamed ch. 46 to read as herein set out.

Cross references—Ambulances, Ch. 4; chartered vehicles at airport, § 9-141 et seq.; conduct in buses generally, § 28-30; shelters for users of public transportation, § 40-200 et seq.; traffic, Ch. 45.

Director means the director of the department of finance and administration and his duly authorized representatives.

Driver or taxicab driver means any person who has a current and valid taxicab driver's license issued under this article and has been duly employed to drive a taxicab by a permittee or has entered into a written agreement for use of a taxicab with a permittee in accordance with the requirements of this article.

Gross receipts means an amount of money equal to the total of all fares received and charged for the carriage of passengers by taxicabs permitted to a permittee, including all tip revenue and reservation and billing service fees, if any. Provided, however, special passenger charges for taxicab operations at city airports and toll road fees allowable under this article shall not be included in the calculation of "gross receipts."

Medallion means a metal tag, decal, or other evidence of a permit as issued by the director for attachment on a taxicab that is operated pursuant to the permit.

Nighttime trip means a taxicab trip originating at any time other than between the hours of 6:00 a.m. and 8:00 p.m.

Permit means a current and valid permit issued by the director under this article for the operation of a taxicab.

Permittee means the person to whom the permit has been duly issued by the director. Any permittee who operates two or more taxicab companies under separate assumed names, different subsidiary firms, or by any other means shall nevertheless be regarded as one and the same permittee for permit applications, disciplinary actions, and all other purposes relating to the administration of this article.

Stool light means an instrument or an accessory that is permanently attached to the top of a taxicab at a midpoint between the front doors and not more than 30 inches to the rear of the topmost part of the windshield.

Street means any public street, road, boulevard, alley, lane, highway, sidewalk, park road-

way, railroad station, ship landing, ferry landing roadway, viaduct or other place under control of the city or other public authority and established by it for the use of vehicles not otherwise controlled by law or ordinance. It shall also mean any vehicular road, driveway, or area outside of and adjacent to, or in any railroad station, ferry landing, or bus station owned by the city or other public authority that is used regularly or may be so used by taxicabs for pickup and discharge of passengers, which places shall hereafter remain open to and be used by all duly permitted taxicabs without charge, except as authorized by city council, and without discrimination as to the identity of the permittee. The properties constituting the William P. Hobby Airport (HOU), the George Bush Intercontinental Airport/Houston (IAH), and the Ellington Field Airport are not designated as streets under this definition.

Taxicab means every automobile or motor-propelled vehicle used for the transportation of passengers for hire whether the vehicle is identified or not as a taxicab as set forth herein over the public streets of the city, whether or not the operation extends beyond the city limits. Provided, the term 'taxicab' shall not apply to limousines, school buses, emergency vehicles, jitneys, or sightseeing vehicles that operate under a permit, franchise, or license issued by the city or any other governmental regulatory authority, and, provided further, the term shall not apply to limousines that are chartered, hired or provided in connection with funeral services.

Taximeter means a mechanical and/or electrical instrument that records miles or distances traveled or time consumed, or both, during the period of engagement of taxicab service and is so constructed as to visibly record the cumulative charges to the person engaging the service.
(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 01-751, § 1, 8-8-01; Ord. No. 03-1046, § 2, 11-12-03; Ord. No. 06-997, § 1, 10-4-06)

Sec. 46-17. Authorized operators.

No taxicab for which a permit has been issued under this article shall be operated by anyone

except the permittee or an employee of the permittee or other person who may be operating the vehicle under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether he be an employee or other person operating under a written agreement. Any person driving or operating a taxicab upon the streets or other public property of the city is presumed to be an employee of the taxicab's permittee or to have entered into a written agreement with the taxicab's permittee.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-18. General prerequisites to putting vehicle into service.

(a) Before any permittee may put a taxicab into service or replace a taxicab, he shall furnish to the director, for the director's approval, the vehicle, the certificate of title showing the then current true ownership of the vehicle, his public liability insurance policy, insurance endorsement or evidence of self-insurance and, in the case of a leased vehicle, the written lease contract.

(b) The director shall not authorize a vehicle to initially be placed into service unless it is equipped with an air conditioning system that was factory-installed by the manufacturer and has sufficient interior passenger space to qualify in the United States Environmental Protection Agency's annual Fuel Economy Guide as a mid-size car, a large car, a mid-size station wagon, a large station wagon or a van, passenger type, provided that the director may also allow vehicles classified for purposes of the Fuel Economy Guide as special passenger vehicles if the vehicle has passenger seating and space accommodations at least equivalent to those of a vehicle rated as a mid-size car. To the extent that the Fuel Economy Guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, then the director may utilize the previous year's Guide entry for the same or most equivalent make and model of vehicle.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-19. Taxes to be paid.

No person shall use the streets of the city for the operation of a taxicab unless the ad valorem taxes due and owing on all properties used in the furnishing of taxicab service shall have first been paid.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-20. Age and mechanical condition of taxicabs.

No driver or permittee shall drive or cause to be driven upon the streets of the city any taxicab vehicle that is more than six years old, provided that no vehicle may be placed in service for the first time as a taxicab if it has been driven more than 100,000 actual miles, which shall be determined from the odometer and from odometer and title records. For purposes of this requirement, a taxicab will be considered to be six years old on March 31 of the sixth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 3, 11-12-03)

Sec. 46-21. Identification of vehicles generally.

(a) No permittee or driver shall drive or cause or suffer to be driven or operate or cause to be operated a taxicab in the city unless the taxicab has signs on the front doors on each side of the taxicab stating the telephone number and the name or the assumed name under which the owner operates or the name of the partnership, copartnership, association, society or corporation under which the owner operates the taxicab, as is on file with the director. The name and numbers shall be in letters of not less than three inches in height and not less than five-sixteenths of one inch in width and shall be a solid color that contrasts with the background. The telephone number shall also be placed where plainly visible on the rear of the taxicab.

(b) No permittee shall operate or cause or suffer or allow to be operated a taxicab in the city unless and until a number has been assigned by the director at the time the permit is issued under

this article. The number shall remain in full force and effect for each permit so long as the permit remains valid. The number shall be displayed on the taxicab in four separate locations as follows: One shall be placed where plainly visible on the right of the trunk lid when viewed from the rear of the taxicab; one shall be placed on the left of the hood where plainly visible when viewed from the front of the taxicab; and the remaining two shall be placed one on each side of the taxicab immediately below the handles of the rear doors. If a taxicab has only one rear door, then the number for the side where there is no rear door shall be placed in an alternative location as designated by the director. The number, in each instance, shall be not less than three inches high and not less than five-sixteenths of one inch in width. (Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-22. Vehicle color scheme.

(a) No driver or permittee shall drive or cause to be driven any taxicab in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use under his ownership or radio service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and
- (3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

(b) If the color scheme is approved, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a taxicab of his color scheme, and he shall not change the color scheme without approval of the director. (Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-23. Medallions.

At the time a taxicab permit is issued or renewed under this article, the director shall issue one medallion to the permittee for the taxicab covered by the permit. The medallion shall be attached by the permittee to the taxicab for which it is issued, at the place on the taxicab as shall be designated by the director. It shall further be unlawful for any person to drive a taxicab without the medallion being so attached. (Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-24. Stool light.

No permittee or driver shall operate or cause to be operated any taxicab within the city unless it is equipped with a stool light that is illuminated when the taxicab is vacant and available for hire. The stool light shall be controlled by the taximeter. When the taximeter is in the recording position, the stool light shall be off, and when the taximeter is not recording, the stool light shall be on and shall illuminate a "vacant" sign contained thereon.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-25. Passenger's right of selection.

Every person shall be allowed to select a taxicab of his choice at any place in the city.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-26. Taxicabs at George Bush Intercontinental Airport/Houston.

(a) The provisions of this section shall apply to all taxicab service at any place upon the grounds of George Bush Intercontinental Airport/Houston (IAH).

(b) The director of aviation shall establish one or more locations at or near the various terminal buildings at IAH as taxicab arrival and departure loading zones for the loading and discharge of passengers and baggage by taxicabs. It shall be unlawful for any taxicab driver to load or discharge passengers or baggage at any location within the airline terminal areas of IAH other than in a zone so established.

(c) The director of aviation shall establish taxicab standing lines to service the departure loading zones designated under subsection (b) above. It shall be unlawful for any taxicab driver to cause his vehicle to stand upon any area of IAH other than in a designated standing line. It is a defense to prosecution under this subsection that the operator has lawfully stopped his vehicle in order to comply with a traffic control device or that the operator is actually and lawfully engaged in the loading or unloading of passengers or baggage.

(d) Except where the passenger may request the service of a particular taxicab, departing passengers at IAH terminals will be assigned to taxicabs waiting in the standing lines by starters who have been designated by the director of aviation to operate the various departure zones and standing lines. Taxicabs will be assigned from the standing lines on a first-in-line-first-to-depart basis, provided that the director of aviation shall administratively provide by rule for the priority reassignment of any taxicab operating from a standing line that receives a short trip. For purposes of this provision a "short trip" means a trip within an area immediately adjacent to IAH as defined on a map promulgated for that purpose by the director of aviation.

(e) The driver of each taxicab carrying a passenger or passengers from IAH shall pay to the city the airport use fee established from time to time by division 5 of article II of chapter 9 of this Code. The driver shall deposit the fee in the manner prescribed by the director of aviation, and the fee may be added by the taxicab driver to metered fares and flat rate fares for trips originating from IAH when the average price per gallon of regular unleaded gasoline exceeds \$2.00, provided that the amount of the fee is posted on the taxicab's rate card. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis. It shall be unlawful for any taxicab driver to depart from the IAH with a passenger without having deposited the required fee.
(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 06-668, § 2, 6-21-06)

Sec. 46-27. Operation at William P. Hobby Airport.

(a) The director of the department of aviation is hereby authorized to designate one or more locations on the airport adjacent to the airline terminal building at the William P. Hobby Airport (HOU) as standing and loading zones for the loading and discharge of passengers and baggage by taxicabs. It shall be unlawful for the driver of any taxicab to load or discharge passengers or baggage at any other location within the airline terminal building area of the airport.

(b) The driver of each taxicab carrying a passenger or passengers from the airline terminal building at the HOU shall pay to the city the airport use fee established from time to time by division 5 of article II of chapter 9 of this Code. The driver shall deposit the fee in the manner prescribed by the director of aviation, and the fee may be added by the taxicab driver to metered fares and flat rate fares for trips originating from HOU when the average price per gallon of regular unleaded gasoline exceeds \$2.00, provided that the amount of the fee is posted on the taxicab's rate card. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis. It shall be unlawful for any taxicab driver to depart from the HOU with a passenger without having deposited the required fee.
(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 06-668, § 3, 6-21-06)

Sec. 46-28. Penalty for violation.

Any person who fails or refuses to comply with the terms and provisions of this article shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided by section 1-6 of this Code. Each violation shall constitute and be punishable as a separate offense.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-29. Carrying additional passengers.

Any passenger who engages the services of a taxicab shall have the exclusive right to the passenger compartment of the taxicab, and it shall be unlawful for a taxicab driver to carry

additional passengers unless specific permission is obtained from the passenger who originally engaged the taxicab.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-30. Taximeter.

(a) No driver or permittee shall drive or cause or suffer or allow to be driven a taxicab in the city, unless it is equipped with a properly functioning taximeter. Except for trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(10) of this Code is being charged, no driver shall carry a passenger, whether for hire or not, unless the taximeter is in the recording position. Provided, however, it shall be an affirmative defense to prosecution under this subsection that the only passenger in the taxicab at the time the taximeter was not in recording position was a person riding for training purposes only, and:

- (1) The passenger had a valid taxicab driver's license issued by the city at the time he was so riding as a passenger;
- (2) The passenger had not driven a taxicab for 30 days or more within the city prior to the date the defendant was charged for violation of this subsection; and
- (3) At the time the person was riding as a passenger, there was a sign indicating that a passenger was riding for purposes of training as a taxicab driver. The sign must have been located so that it would be visible to any person who might ride in the vehicle as a passenger for hire.

(b) Except as otherwise provided in this article, all charges and collections for hire shall be based upon the taximeter reading. The dial showing the fare shall be in full view and readily visible and readable by the passenger or passengers at all times service is being rendered.

(c) The taximeter shall be inspected and sealed by the director when the taxicab is placed into service, during vehicle inspections conducted under this article and before the taxicab is placed back into service following any repair, modification or adjustment to the taximeter.

(d) No permittee shall drive or cause or suffer or allow to be driven and no driver shall drive any taxicab on which the seal installed by the director has been removed, broken or tampered with. No permittee shall drive or cause or suffer or allow to be driven and no driver shall drive any taxicab on which any modification has been made to the taximeter or to any mechanical or electrical parts of the taxicab activating the taximeter that cause rates other than those authorized in this division to be recorded and shown on the taximeter.

(e) The director shall promulgate regulations authorizing the temporary use of a permittee-installed substitute seal in lieu of a city-installed seal if a taximeter is installed repaired, modified, or adjusted during the period commencing at noon on a Friday or on the day preceding a city-observed holiday and extending until 8:00 a.m. on the next day that is not a Saturday, Sunday, or city-observed holiday. Use of a temporary seal during the aforesaid period in a manner authorized by the regulations is an affirmative defense to prosecution under this section, provided that the taximeter is functioning in accordance with all requirements of this division. (Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 06-997, § 2, 10-4-06)

Sec. 46-31. Rates prescribed.

(a) All taxicab permittees and drivers shall comply with and abide by the rates established in this section:

- (1) *Daytime metered travel.* For daytime trips, the metered travel fee shall be \$2.50 for the first one-sixth of a mile or less plus \$0.30 for each additional one-sixth of a mile or less.
- (2) *Nighttime metered travel.* For nighttime trips, the metered travel fee shall be \$3.50 for the first one-sixth of a mile or less plus \$0.30 for each additional one-sixth of a mile or less.
- (3) *IAH flat rates.* Alternative flat rates shall be imposed for trips between George Bush Intercontinental Airport/Houston (IAH) and its geographic zones I through X, as follows:

Zone	Daytime Trip Flat Rate	Nighttime Trip Flat Rate
I	\$36.50	\$37.50
II	43.00	44.00
III	49.50	50.50
IV	53.50	54.50
V	60.00	61.00
VI	66.50	67.50
VII	71.50	72.50
VIII	85.50	86.50
IX	27.50	28.50
X	33.50	34.50

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for IAH taxicab rates is on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

- (4) *HOU flat rates.* Alternative flat rates shall be imposed for trips between William P. Hobby Airport (HOU) and its geographic zones I through XI, as follows:

Zone	Daytime Trip Flat Rate	Nighttime Trip Flat Rate
I	\$26.00	\$27.00
II	21.50	22.50
III	31.50	32.50
IV	44.00	45.00
V	50.00	51.00
VI	57.00	58.00
VII	65.00	66.00
VIII	58.00	59.00
IX	30.00	31.00
X	70.00	71.00
XI	65.00	66.00

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for HOU taxicab rates is on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

- (5) *Waiting time.* An amount not to exceed \$20.00 per hour may be charged for waiting time, provided the clock on the taximeter is set and regulated at a rate not to exceed \$20.00 per hour.

- (6) *Hand luggage.* No charge will be made for hand luggage.

- (7) *Reservation and billing service fee:*

- a. A reservation and billing service fee may be added to the total trip charges authorized in this section, provided:

1. The trip originates with an advance reservation; and
2. At the request of the account holder or his authorized agent the fare and other charges are billed on account by the permittee, rather than being paid at the end of the trip.

The reservation and billing service fee shall not exceed ten percent of the total trip charges imposed, including the tip, if any.

- b. Notwithstanding the foregoing, this item (7) shall not be construed to authorize the operation of a taxicab service in such manner as to constitute a chauffeured limousine service. In the event of conflict, the provisions of article IV shall prevail.

- (8) In addition to the fees prescribed in this section, the permittee and driver of a taxicab may impose a toll road fee in an amount exactly equal to any fees imposed by the Harris County Toll Road for use of its facilities during the trip, provided that the imposition of the fee is noted on the posted rate card, and further provided that the passenger(s) are notified of the fee before the taxicab enters the toll road. Where passengers are being carried to two or more destinations, the toll road fees shall be prorated among them, per destination.

(9) *Fuel cost recovery fee and fuel surcharge:*

- a. When the average price per gallon of regular unleaded gasoline exceeds \$2.00, all taxicab permittees and drivers shall comply with and abide by the rates established by this section, except as follows:

1. *Daytime metered travel.* For daytime trips, the metered travel fee shall be \$2.50 for the first two-elevenths of a mile or less plus \$0.17 for each additional one-eleventh of a mile or less.
2. *Nighttime metered travel.* For nighttime trips, the metered travel fee shall be \$3.50 for the first two-elevenths of a mile or less plus \$0.17 for each additional one-eleventh of a mile or less.
3. *IAH flat rates.* Alternative flat rates shall be imposed for trips between George Bush Intercontinental Airport/Houston (IAH) and its geographic zones I through X, as follows:

Zone	Daytime Trip Flat Rate	Nighttime Trip Flat Rate
I	\$38.00	\$39.00
II	\$44.50	\$45.50
III	\$51.00	\$52.00
IV	\$55.00	\$56.00
V	\$62.00	\$63.00
VI	\$69.00	\$70.00
VII	\$74.50	\$75.50
VIII	\$88.50	\$89.50
IX	\$28.50	\$29.50
X	\$35.00	\$36.00

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares and flat rate fares for trips originating from IAH.

4. *HOU flat rates.* Alternative flat rates shall be imposed for trips

between William P. Hobby Airport (HOU) and its geographic zones I through XI, as follows:

Zone	Daytime Trip Flat Rate	Nighttime Trip Flat Rate
I	\$27.00	\$28.00
II	\$22.00	\$23.00
III	\$33.00	\$34.00
IV	\$46.00	\$47.00
V	\$52.00	\$53.00
VI	\$59.50	\$60.50
VII	\$68.50	\$69.50
VIII	\$60.50	\$61.50
IX	\$31.50	\$32.50
X	\$73.00	\$74.00
XI	\$67.50	\$68.50

Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. The foregoing rates are inclusive of airport use fees, which may be additionally imposed on metered fares and flat rate fares for trips originating from HOU.

- b. For trips longer than two miles in distance, a per trip fuel surcharge shall be added to the rates established by this section when the average price per gallon of regular unleaded gasoline exceeds \$3.00. The per trip fuel surcharge shall be as follows:

Average Gasoline Price Per Gallon	Surcharge Per Trip
\$3.00 or less	None
\$3.01 to \$3.50	\$0.50
\$3.51 to \$4.00	\$1.00
Each additional increment of \$0.50	Additional \$0.50

- c. Beginning July 1, 2006, when required, a fuel cost recovery fee or a fuel surcharge shall become effective on the first day of the first month of each calendar quarter, i.e., January 1, April 1, July 1, and October 1, and shall remain in effect for the remainder of the quarter.
- d. The average price per gallon of regular unleaded gasoline shall be based

on American Automobile Association (AAA) Daily Fuel Gauge Report for Houston, Texas.

- e. The average price per gallon shall be calculated for a three-month period ending not more than 14 days prior to the beginning of a calendar quarter.

(10) An alternate flat rate of \$6.00 shall be imposed for trips entirely within the central business district.

(b) The director shall establish a taxicab passenger capacity rating (exclusive of children in arms), which will constitute the maximum number of passengers that may be carried simultaneously.

(c) In the event two or more taxicab passengers are going to the same destination, the driver shall collect only one fare as recorded on the taximeter. If the passengers are going to different destinations, the driver shall clear his taximeter at the first destination and charge the first passenger the amount recorded on the taximeter, and then proceed to the next destination as though it were a completely new trip. Other destinations shall be treated likewise.

(d) Where any permittee has contracted with any department, agency or subdivision of the state, the United States or any foreign government or any nonprofit charitable organization for the transportation of passengers for the entity on a regular basis within the corporate limits of the city, the permittee is authorized, in lieu of the fares prescribed in subsection (a) above, to make other charges as are agreed to in writing by the contracting parties and filed with the director, prior to the transportation of passengers under the contract. A driver or permittee transporting contract passengers under this subsection must fully comply with all other applicable provisions of this article.

(e) Senior citizens' discount:

- (1) *Rate; restrictions.* Any taxicab passenger 60 years old or older who provides to the taxicab driver proof of age as specified in this subsection at the time the fare is collected shall be charged a reduced fare

equal to 90 percent of the fee otherwise applicable as set out in items (a)(1) through (a)(5) of this section; provided, however, the reduced fare set out in this subsection shall not be applicable any of in the following situations:

- a. In the event the passenger has ridden in the taxicab to the same destination with another passenger who is not an attendant but is 13 years of age or older but less than 60 years of age;
- b. The passenger is a person with disabilities who is riding in the taxicab pursuant to the terms of a contract between the taxicab permittee and the Metropolitan Transit Authority; or
- c. The fare is being charged to any account other than the passenger's personal account.

For purposes of this subsection, an "attendant" is a person who is accompanying a passenger because the passenger is physically or mentally unable to travel alone.

(2) *Proof of age.* To provide proof of age for the purposes of this subsection, the taxicab passenger must allow the taxicab driver to examine one of the following identification documents that has been issued to the passenger and that has a picture of the passenger thereon:

- a. A driver's license or identification card issued by a state of the United States;
- b. A military identification card;
- c. A passport;
- d. An alien registration receipt card (form I-551 or I-151); or
- e. A border crossing card issued by the United States Immigration Service.

(3) *Posting of notice in taxicab.* No person shall operate a taxicab unless a notice regarding the discount set out in this subsection is posted in the passenger area

of the taxicab pursuant to specifications established by the director. The director shall specify the information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 01-751, § 2, 8-8-01; Ord. No. 03-1046, § 4, 11-12-03; Ord. No. 05-940, § 1, 8-3-05; Ord. No. 06-668, § 4, 6-21-06; Ord. No. 06-997, § 3, 10-4-06)

Editor's note—Section 6 of Ord. No. 06-668 states that each taxicab permit holder shall cause the meter on each of his taxicabs to be reset and resealed to reflect the rates authorized in section 46-31 of the Code of Ordinances as amended herein within 60 days following the effective date of any rate change as provided by this Ord. No. 06-668. The resetting and resealing of the meters shall be performed in accordance with regulations issued by the Director of Finance and Administration for that purpose. The reset and resealed meters performed in accordance with regulations issued by the director or her designee as provided in the regulations.

Sec. 46-32. Posting of taxicab driver's license and other information.

(a) Each permitted taxicab shall be equipped with a license and rate card holder of a type approved by the director. The holder shall be mounted on the taximeter or dashboard of the taxicab in a conspicuous location where the contents thereof may be seen by the passengers. It shall be the duty of the permittee and driver to have posted in this holder a taxicab driver's license containing a picture of the driver, the driver's name and description, and a rate card showing the name of the permittee and the approved taxicab rates specified in section 46-31 of this Code. The size and contents of the taxicab driver's license and the rate cards shall be approved by the director.

(b) It shall be the duty of the permittee and driver of each taxicab to ensure that the taxicab has cards posted showing the rates for travel to and from George Bush Intercontinental Airport/Houston (IAH) and to and from William P. Hobby Airport (HOU) for each zone as specified in section 46-31 of this Code and a map depicting the zones. One card shall be posted on the dashboard in a location conspicuous to a passenger in the front seat and the other card shall be posted on the back of the front seat or at the top of the inside of either rear door window so that the contents

thereof can be seen by the other passengers riding in the cab. The director shall specify the size of print, the colors, and the information to be provided on each card as he finds necessary so that the information may be read by passengers.

(c) It shall be the duty of each permittee and driver to post a card with the telephone numbers of the director and the permittee for complaint purposes regarding taxicab services or charges. This card shall be mounted adjacent to the rate cards required by this section and shall instruct the passenger that if he wishes to file a complaint, he should obtain the taxicab number as posted on the taxicab, date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided on each card as he finds necessary so that the information may be easily read by passengers.

(d) It shall be the duty of each permittee and driver to post a card that indicates whether smoking is permitted or prohibited in the taxicab. The director shall approve the size of the print, the colors, and the information to be provided on each card as he finds necessary so that the information may be easily read by passengers. (Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 05-245, § 2, 3-9-05)

Sec. 46-33. Refusal to convey at posted rates; receiving more than posted rates.

(a) It shall be unlawful for any driver of any taxicab to refuse to board and convey a passenger at the rates authorized by this article or to demand or receive an amount in excess of the rates authorized by this article. It is an affirmative defense to prosecution under this subsection that the driver advised the passenger of the fare or estimated fare to the passenger's destination, and the passenger advised that he did not have the means to pay the fare.

(b) It shall be unlawful for any driver of any taxicab to refuse to accept a passenger's payment of posted rates by credit card. For trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(10) of this Code is being charged, it is an affirmative defense to prosecution under this sub-

section that the driver was operating a taxicab that was marked with signage, as prescribed by the director, that indicates "cash only" rides. (Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 07-227, § 1, 2-14-07)

Sec. 46-34. Receipt for payment of fare.

No driver of any taxicab, upon receiving full payment for a fare as authorized by this article, shall refuse to give a receipt upon the request of any passenger making the payment. The permittee of the taxicab shall make available to each taxicab driver a receipt book to be used for this purpose.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-35. Required operation; taking vehicles out of service generally.

(a) Permittees shall pick up or accept delivery of any permit(s) initially granted under division 2 of this article and place the taxicab(s) into service as follows:

- (1) The permittee shall pick up or accept delivery of the permit(s) and place the taxicab(s) into service within 180 days subsequent to the date of the granting of the permits; and
- (2) If any permit is not obtained or any taxicab is not placed into service as provided herein, the permit shall be automatically revoked, and the director shall advise the permittee to surrender any medallions or other permit indicia that have been issued.

(b) Permittees shall operate or cause their taxicabs to be operated whenever public convenience requires that the taxicabs be in operation. The director may order any or all permittees to put into operation any taxicab not then in operation whenever public convenience requires that all permitted taxicabs be in operation.

(c) Permittees may take out of service those taxicabs that require repairs or that need to be taken out of service for any other reason, with the exception that operators having ten or more taxicab permits must have 60 percent of their taxicabs in operable condition at all times. Operators

having fewer than ten taxicab permits must have 50 percent of their taxicabs in operable condition at all times.

(d) The director may, upon the request of a permittee and the surrender of one or more taxicab permits to the director, hold surrendered permits for the permittee for a period not to exceed one year without revoking the permits for nonuse. The director may hold permits for a permittee as herein provided when the circumstances causing their non-utilization are beyond the control of the permittee and when the holding of the permit(s) by the director would not adversely affect public convenience. Only permittees who hold ten permits or fewer may use illness as a reason to request the holding of permits. The permittee must provide to the director verifiable proof/documentation of the circumstances, and the circumstances must be specifically related to the permittee's illness or business. The director may hold permits as herein provided once in a five-year period commencing on the date the surrender is accepted by the director. Once any of a permittee's permits are surrendered to the director for holding, no other permits held by the same permittee may be surrendered for holding during the five-year period. Permits surrendered by the permittee must be redeemed by the end of the surrender period by payment of all fees due, plus interest. The applicable interest rate shall be based on the rate of interest for variable rate demand obligations as fixed by the city's financial underwriting firm and shall be the average of that rate current as of the date of acceptance of surrender of the permits by the director and that rate current as of the date of redemption of the permits. Permits not redeemed within 30 days following the surrender period will automatically be revoked. A permittee who has paid the requisite fee is not entitled to a refund of the fee under the provisions of section 46-68(b) of this Code.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 5, 11-12-03)

Sec. 46-36. Removal of identification marks when vehicle retired from service.

No permittee shall dispose of a taxicab that is being retired from service until all marks of taxicab identification have been removed therefrom.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-37. Inspection by city—Generally.

(a) The director shall cause each taxicab for which a permit has been issued to be inspected at the time that it is initially placed into service and thereafter at least once each year. The inspection shall be made to determine that the taxicab is in a reasonably good state of repair, clean, and equipped and being operated in compliance with all requirements of this article. The inspection shall be made at a place designated by the director. The director shall cause the record of the inspection to be reduced to writing and a permanent record made thereof. The record shall be kept by the director for a period of at least two years.

(b) If the inspection reveals that a vehicle is not in a reasonably good operating condition, from the standpoint of the safety, health, and comfort of passengers, the taxicab shall be ordered out of service until remedial repairs and corrections have been made. When the repairs and corrections have been made, the vehicle shall be re-inspected to determine whether or not proper repairs and corrections have been made and in no case shall the taxicab be permitted to resume its operation until the repairs and corrections have been made. It shall be unlawful for a permittee to utilize any taxicab that has been ordered out of service until the vehicle has been reinspected and the director authorizes resumption of its use.

(c) Inspections shall include, but not be limited to, the following items: vehicle identification number; taxicab number; date of purchase; foot brakes; emergency brake; head lamps; tail lamps; license plate lights; stool light; dome light; horn; windshield wipers; heating, ventilating, and air conditioning systems; current state inspection sticker; rearview mirror; all glasses; cleanliness; safety; condition of paint; color scheme; medallions; taxi-

meter seals and readings; rate card; signs; fumes; state license plates and registration sticker; speedometer readings; mileage; steering; tires; muffler and tail pipe; accuracy of taximeter; condition of the body of the vehicle and fenders.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-38. Reserved.

Editor's note—Ord. No. 2003-1046, § 6, adopted Nov. 12, 2003 repealed § 46-38 in its entirety. Formerly said section pertained to inspection by city after accident and derived from Ord. No. 99-1331, § 5, 12-15-99.

Sec. 46-39. Accident reports.

When a taxicab is involved in an accident or is in collision with any other vehicle of any kind whatsoever that results in any injury or damage to any person or property, including, but not limited to, damage to the taxicab or injury of the driver of the taxicab, the driver shall report the accident to the permittee without delay. The permittee shall keep on the permittee's premises records of all accidents upon forms to be promulgated by the director, which shall include the following information: The permittee's and the driver's names, the driver's taxicab driver's license number, and the time and location of the accident. Upon one hour's prior request by the director during normal business hours, the permittee shall make the records available for inspection and copying.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-40. Preferences and soliciting of business prohibited.

(a) It shall be unlawful for any person to seek or solicit a passenger or passengers for any vehicle for hire, whether or not the vehicle is identified as a taxicab, at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any other place in the city. It shall be unlawful for any person to call out "taxicab," "limousine," "auto for hire," "carriage," "bus," "baggage," "hotel," or any other words or gestures that could be construed as soliciting a passenger for hire. Violators of this section, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00.

(b) It shall be unlawful for any cab starter, bell person, maitre d', or other person having the ability or authority to control the selection of taxicabs available for hire at any business premises to solicit a fee or other compensation or favor for the purpose of granting preference or priority rights to any taxi. The provisions of this section shall not be construed to prohibit the owner of a business premises that maintains a private off-street cabstand area for the convenience of its patrons from entering into a written contract by which the owner receives compensation from one or more permittees in exchange for access to the premises' off-street cabstand area.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-41. Records to be kept by permittee.

Permittees shall maintain business and operations records in a manner that demonstrates compliance with this article as provided by regulation of the director.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-42. Addresses.

It shall be the duty of each driver, permittee and applicant for a license or permit to advise the director immediately of any change of mailing address. Notices under this article shall be effective if mailed to the last address provided to the director. The failure of a permittee, driver or applicant to receive any notice that is properly addressed and mailed to his last known address shall not affect any action authorized or taken under this article, and the only obligation of the director with respect to returned notices shall be to publicly post them as provided herein or by regulation of the director.
(Ord. No. 03-1046, § 7, 11-12-03)

Sec. 46-43. Passenger comfort; courtesy.

(a) It shall be unlawful for the permittee or driver of any taxicab to suffer, allow or cause the taxicab to be in service at any time during which the vehicle's heating, ventilating, and air conditioning system is not in good repair and capable of functioning within the tolerances of the vehicle manufacturer's specifications.

(b) It shall be the duty of the driver of any taxicab to ensure that the vehicle is operated for the comfort of the passengers and that the vehicle's heating, ventilating, and air conditioning system is in operation at all times while passenger(s) are present in the vehicle and is functioning in accordance with the passenger's reasonable request for heating, ventilating, or cooling, unless the passenger(s) specifically request that the system be turned off.

(c) No driver while operating a taxicab with passengers present shall:

- (1) Use abusive, indecent, profane or vulgar language that by its very utterance tends to incite an immediate breach of the peace;
- (2) Make any offensive gesture or display that by its very nature tends to incite an immediate breach of the peace;
- (3) Create by chemical means any noxious and unreasonable odor;
- (4) Threaten another person in an obviously offensive manner;
- (5) Fight with another person; or
- (6) Engage in any other conduct that is a violation of law.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-44. Taxicab condition.

It shall be unlawful for the permittee or driver of any taxicab to allow or cause the taxicab to be in service at any time that the cleanliness and condition of the taxicab do not meet any one or more of the following standards:

- (1) The passenger compartment of the vehicle is free of litter and debris.
- (2) The passenger compartment of the vehicle is free of any personal items of the driver or other objects that would restrict the seating comfort of the passengers.
- (3) The vehicle is free of noxious or offensive odors.
- (4) The carpet, seating surfaces and head liner have no tears, exposed springs or

underparts and are free of any spots or stains that are removable with a reasonable cleaning effort.

- (5) The exterior of the vehicle is free from debris and dirt, commensurate with ambient weather conditions and free of any paint or body work damage, excepting "door dings," minor scratches, and similar defects that are not significantly visible.
- (6) The vehicle has no broken windows or windows with cracks, except for cracks in places that do not interfere with driver vision.
- (7) The taxicab has hubcaps or wheel covers on all four wheels if it was so equipped by the manufacturer.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-45. Regulations.

The director is authorized to adopt any regulations to implement this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.

(Ord. No. 99-1331, § 5, 12-15-99)

Secs. 46-46—46-60. Reserved.

DIVISION 2. VEHICLE PERMIT

Sec. 46-61. Definitions.

As used in this division, the following words and terms shall have the meanings ascribed to them in this section:

Airport taxicab usage adjustment factor means the percentage increase or decrease between the permit year airport taxicab usage and the base year airport taxicab usage.

Available permit number means the number of permits made available for distribution, if any, as computed for a permit year pursuant to section 46-63 of this Code.

Base year airport taxicab usage means the permit year airport taxicab usage for the last preceding permit year in which permits were issued.

Base year population means the permit year population of the city for the last preceding permit year in which permits were issued.

Metropolitan area means Chambers, Fort Bend, Harris, Liberty, Montgomery, and Waller Counties.

New entrant applicant means a permit applicant who is not a permittee or principal of a permittee.

Operator means the person who is or will be principally in charge of the day-to-day operations of a permittee or applicant for a permit.

Other applicant means any permit applicant who is not a new entrant applicant.

Permit year means a year in which the issuance of taxicab permits shall be considered. The first permit year shall be 2001, and subsequent permit years shall occur at three year intervals (2004, 2007, 2010, etc.).

Permit year airport taxicab usage means the combined number of taxicab passenger trip starts commenced at George Bush Intercontinental Airport/Houston and William P. Hobby Airport during the calendar year preceding each permit year as counted and compiled by the department of aviation and provided to the director.

Permit year base permit number means the total number of city taxicab permits then authorized on January 1 of a permit year.

Permit year base permittee number means the number of permittees that exists as of January 1 of each permit year.

Permit year population means the most recent population for the city published by the United States Census Bureau as of January 31 of each permit year, whether a decennial census population or an interim estimated population. The published Census Bureau data shall be utilized without adjustment unless the planning and development director advises the director that the Census Bureau has not included territory added

to the city by annexation, in which case the director of planning and development shall provide to the director an adjusted population to include, based upon Census Bureau data, the population in the annexed territory.

Principal means the operator and also includes in the case of a proprietorship the proprietor and proprietor's spouse, in the case of a partnership each partner, and in the case of a corporation each officer, each director and each other person who holds ten percent or more of the outstanding shares. For any other form of entity, the term shall include the equivalent persons as determined by the director.

Population adjustment factor means the percentage increase or decrease between the permit year population and the base year population.

Taxicab permit adjustment factor means the mean average of the population adjustment factor and the airport taxicab usage adjustment factor. (Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 8, 11-12-03)

Sec. 46-62. Required.

(a) It shall be unlawful for any person to operate or drive or cause to be operated or driven any taxicab upon and over the streets of the city unless a current permit has been issued for the taxicab by the director in accordance with this article. Violators of this section, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00.

(b) It is an affirmative defense to prosecution under this section that the taxicab is not being operated for the purpose of serving any passenger in exchange for consideration unless the trip originated in a jurisdiction outside the city in which the taxicab is operated in compliance with all applicable laws. The provisions of this section shall not be construed to authorize a taxicab from another jurisdiction to originate any passenger service trip within the city.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-63. Computation of permits to be distributed, if any.

(a) On or before March 1 of each permit year, the director shall compute the taxicab permit adjustment factor, permit year base permit num-

ber and permit year base permittee number and cause the data to be published one time in a newspaper of general circulation and to be mailed to each permittee and taxicab driver's license holder at the permittees' and drivers' last known addresses. The director shall provide a written explanation of the computations to any person who requests the data.

(b) Any interested person may appeal the director's computations as published under subsection (a) by filing a notice of appeal in the director's office on or before March 15 of the permit year. The appeal notice shall specify in detail the nature of any errors that are alleged in the director's computations. In the event of an appeal, the director shall cause an appeal hearing to be conducted by a hearing examiner in which all appellants may jointly participate. The hearing examiner's decision shall be rendered on or before April 15 and shall be final.

(c) Following the computations under subsection (a) and resolution of any appeals therefrom under subsection (b), a mathematical determination shall be made whether any taxicab permits are to be issued. If the taxicab permit adjustment factor is a negative percentage or is zero, then no permits shall be issued. If the taxicab permit adjustment factor is a positive number, then the taxicab permit adjustment factor shall be multiplied by the permit year base permit number, and the result is the available permit number. (Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-64. Distribution of available permits.

(a) For purposes of distribution, the available permit number shall be divided into two categories:

- (1) A number of permits equal to ten percent of the available permits, rounded to the nearest whole number (with a fraction of one-half rounded up), shall be reserved for new entrant applicants; provided, however, that no permits shall be so reserved if the permit year base permittee number is 90 or higher, and further provided that the number of permits so reserved shall be reduced as required to ensure that the

permit year base permittee number plus the number of permits so reserved does not exceed 90.

- (2) Based upon the computation provided in item (1) above, the balance of the available permit number shall be reserved for other applicants.

(b) On or before May 1 of each permit year, the director shall cause the computation of the available permit number to be published one time in a newspaper of general circulation.

(c) If permits are to be issued, then the publication shall also include the reservation numbers computed under subsection (a), the deadline for filing of applications, and an explanation of how to obtain filing information. Additionally, the director shall mail the information regarding permits available and filing procedures to all permittees and taxicab driver's license holders at their last known addresses.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-65. Applications.

(a) Applications for permits may be filed on or before June 1 of each permit year in which permits are determined to be available pursuant to section 46-63 of this Code. Each applicant shall utilize forms promulgated by the director and shall submit any information requested in accordance with instructions that shall be promulgated by the director. Without limitation of other information that the director may require in order to determine compliance with this Code and other applicable laws, the applicant shall set forth and provide under oath:

- (1) The applicant's name, mailing address (and street address if different), and telephone number.
- (2) Evidence of the type of business enterprise that the applicant utilizes, e.g. proprietorship, partnership, or corporation, together with the identity and address of each principal.
- (3) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code.

- (4) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's taxicab business is or will be operated and that use of the proposed location is in compliance with any applicable deed restrictions.
- (5) For other applicants, the number of permits requested, together with written documentation of financial ability in an amount equal to \$10,000.00 times the number of permits requested. The documentation shall evidence the financial ability in the form of cash, an irrevocable line of credit from a state or federally chartered financial institution, an irrevocable loan commitment from a state or federally chartered financial institution, or another equivalent form of evidence prescribed by regulation of the director, which evidence must be independently verifiable by the director.
- (6) A statement indicating whether the applicant is a new entrant applicant or an other applicant.
- (7) For new entrant applicants, evidence that the applicant's operator has within the preceding period of ten years had at least five years active and practical taxicab business experience, with at least two of those years in the city.
- (8) For other applicants, the identity of the permittee as defined in section 46-16 of this Code on whose behalf the application is filed.
- (9) Evidence that the operator is either a United States citizen or an alien legally residing in the United States with the legal right to engage in employment in the United States.

Each application shall be accompanied by a filing fee. The filing fee shall be an amount established by city council by motion upon recommendation of the director of finance and administration. In addition to the filing fee, the applicant shall provide funding to the director in a form and manner specified by the director for

criminal history checks to be performed by state and federal agencies, as applicable under subsection (b) below.

(b) Each principal shall provide fingerprints in a manner specified by the director within five days following the application filing deadline. The director shall make arrangements for the fingerprints to be taken without charge by the director or by the city police department or another agency and, for the convenience of persons who may not reside in the city, shall accept finger prints taken by law enforcement agencies of other jurisdictions, provided that they are taken and transmitted to the director under methods specified by the director to prevent falsification. Each person who is required to provide fingerprints shall also complete any state or federal request and release forms that are required to obtain the criminal history and authorize it to be forwarded to the director.

(c) Each applicant, whether a new entrant applicant or other applicant shall be limited to the consideration of one application per permit year. An application filed by a new entrant applicant shall be considered a duplication if any principal is also named in another application. An application filed by an other applicant shall be considered to be a duplicate if it identifies the same permittee as any previously filed application. In case of multiple applications, the first one filed shall be considered, and all others shall be returned unless the applicant elects in writing to withdraw the earlier-filed application.

(d) The director shall review applications received and on or before September 1 of the permit year advise each applicant whether the applicant has been determined to be qualified or unqualified. An applicant is considered qualified if each of the following criteria is met:

- (1) The application was filed in completed form with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccura-

cies or omissions if that can be accomplished without delaying the processing of applications.

- (2) Neither the applicant nor any other business entity with which any of its principals is or was then associated has transferred one or more permits to another person within the four year period preceding the date of filing of the application, exclusive of transfers made for the purpose of settlement of estates and divorce proceedings, or exclusive of transfers to effect a change in the form of entity when the principal owner in the original company remains a principal in the subsequent entity, e.g., sole proprietorship or partnership to a corporation. This item applies only to the transferor and not the transferee.
- (3) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code.
- (4) The applicant's operator has the experience required in item (a)(7) above.
- (5) The applicant's operator is a citizen or resident alien with work privileges as provided in item (a)(9) above.
- (6) The director is able to verify compliance with the financial ability requirement as provided in item (a)(5) above for other applicants.
- (7) The applicant has a place of business within the metropolitan area as provided in item (a)(4) above.
- (8) The applicant is in compliance with any other applicable requirement of this Code and other laws.

(e) Applicants who are determined to be unqualified shall also be notified of the grounds asserted for that determination and of their right to a hearing upon the determination to be conducted by an independent hearing examiner designated by the director. If the determination is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state

laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law. With respect to the financial ability requirement of item (a)(5) above, an applicant shall be unqualified for purposes of the entire application unless the director is able to verify compliance in the total amount required for all permits requested, and the applicant shall not be allowed to reduce the number of permits requested if the verified financial ability is insufficient.

(f) Following the completion of the appeal hearings, if any, as provided in subsection (e), the director shall generate a list of qualified new entrant applicants and a list of qualified other applicants.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 9, 11-12-03)

Sec. 46-66. Drawing; distribution.

(a) Based upon the list generated for new entrant applicants in section 46-65(f) of this Code and the number of permits reserved for new entrant applicants in section 46-64(a) of this Code, the director shall conduct or cause to be conducted a public drawing to determine the granting of permits. All qualified new entrant applicants shall be invited to attend the drawing. The drawing shall be conducted in such a manner as to ensure distribution of the permits by random chance. Each new entrant applicant may receive no more than one permit.

(b) For other applicants, an equal percentage of permits shall be granted to each qualified applicant based on the total number of permits reserved for other applicants in section 46-64(a) of this Code and the total number of permits requested by qualified other applicants. For example, if a total number of 100 permits is reserved for other applicants and the qualified other applicants have cumulatively requested a total number of 200 permits, then each qualified other applicant shall receive 50 percent of the number of permits he requested. Fractional permits may not be issued. The director may adjust percentages as required equitably to dispose of fractions

or conduct a public drawing in accordance with regulations promulgated for that purpose to resolve any fractional imbalance.

(c) Within five days following the completion of the drawing and distribution process, the director shall notify qualified applicants of the number of permits granted to each by mailing a notice to each qualified applicant at his last known address.

(d) In permit years in which permits are issued, a qualified other applicant who meets the criteria set forth below may petition the city council requesting that he be granted permits or additional permits in an amount not exceeding the difference between the number of permits the applicant requested in his application and the number of permits that the applicant was granted, if any, under subsection (b) above. Petitions shall be filed with the director within 30 days following the date of mailing of the notices under subsection (c) above, upon forms promulgated by the director. The director shall forward to city council each timely filed petition. In order to be considered for permits hereunder, a petitioner shall be required to demonstrate through written evidence submitted with the petition that is independently verifiable by the director that each of the following criteria has been satisfied:

- (1) The petitioner has had an overall vehicle utilization rate of 90 percent or more during the six month period preceding the date of filing of the petition as determined in accordance with computation regulations established by the director. Acceptable evidence shall include lease documents or employer tax records;
- (2) The petitioner's taxicab business has sustained growth from sources other than trips departing from the city airports in a percentage at least equal to the taxicab permit adjustment factor. Acceptable evidence shall be in the form of growth in radio dispatch trips, growth in trips from contracts, growth in reservation trips (commonly known as personal trips), or any combination thereof. Percentage growth shall be measured over the three year period preceding the filing date of the

petition; provided, however, that during the 2001 permit issuance process, growth shall be measured from February 2000 to the date of filing of the petition, and a corresponding adjustment shall be made to the taxicab permit adjustment factor for purposes of petitions under this subsection (d); and

- (3) The petitioner continues to have the financial ability required in section 46-65(a)(5) of this Code for each additional permit requested.

The total number of additional permits granted to all petitioners under this subsection (d) may not exceed 25 percent of the available permit number. The purposes of granting additional permits, if any, by petition under this subsection (d) are (i) to foster enhanced competition within the taxicab industry, (ii) to increase the level and quality of taxicab service available to the public for other than city airport departure trips, and (iii) to promote more efficient utilization of taxicabs, which purposes should enhance the public satisfaction and generate operating cost and fare savings. Within 60 days following the last day for filing of petitions, the director shall submit the petitions to the city council for consideration with a report setting forth and including:

- (1) The director's determination whether each of the petitioners has met each of the consideration criteria set forth above and is therefore eligible or ineligible to be considered hereunder; and
- (2) If two or more petitioners have met each of the consideration criteria, the relative ranking of those petitioners with respect to their utilization rates and sustained growth rates for service other than trips departing from city airports.

The director shall forward the petitions and report to city council accompanied by any relevant portions of the application processing record. City council shall consider the matter based upon the petition, report, and record in the same manner as an appeal under City Council Rule 12. The decision of city council shall be based upon the consideration criteria and purposes set forth above,

and the city council's decision whether to grant any additional permits and, if so, the distribution thereof shall be final.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-67. Insurance as prerequisite.

(a) Before any taxicab permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he has qualified as a self-insurer, as the term is defined in the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of insurance coverage shall be maintained at all times and shall be accepted only in the authorized form that has been promulgated by the city and adopted by the Texas Automobile Insurance Plan Association. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-68. Fee.

(a) The annual fee for a permit under this division shall be \$400.00 for each taxicab. In the event a permit is issued for a period of time less than eight months, the fee shall be \$50.00 per month or fraction of a month. A replacement fee of \$15.00 shall be charged for reissuance of each medallion that is lost, mutilated or otherwise rendered unusable.

The annual permit fee shall be paid in advance in three installments at the offices of the city's department of finance and administration as follows: \$150.00 paid on or before April 1 of each calendar year, \$125.00 paid on or before May 1 of each calendar year, and \$125.00 paid on or before

June 15 of each calendar year. Failure to pay permit fees when due shall be grounds for taxicab permit revocation.

(b) Within 90 days following the expiration of any calendar year a permittee may apply to the director for a refund of a portion of his permit fees if the permit fees paid for the previous calendar year exceed two percent of the permittee's gross receipts. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of gross receipts records maintained by the permittee in a form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the applicant. The applicant shall state that the application or supplement and all attachments thereto are correct and complete and do not omit any material item, and that the applicant either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating the refund request, the director shall either:

(1) Refund or credit to the account of the permittee the amount by which the total permit fees paid for the previous calendar year exceed two percent of the permittee's total gross receipts for the previous calendar year; or

(2) Deny the refund.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 10, 11-12-03)

Editor's note—It should be noted that section 21 of Ord. No. 03-1046, adopted Nov. 12, 2003, states that the provisions of § 46-68(a) with respect to the term of annual taxicab permits being changed from February 1 through January 31 to April 1 through March 31 shall become effective on April 1, 2004. Taxicab permits issued for the term commencing on February 1, 2003, and ending on January 31, 2004, may be extended to be valid during the interim period between February 1, 2004, and March 31, 2004, by payment of the sum of \$66.66 to the Department of Finance and Administration. The Director of Finance and Administration shall issue rules and regulations for the interim permit extensions. It shall be

unlawful to operate any vehicle as a taxicab during the months of February and March 2004 unless and until the interim permit fee payable under this section has been paid.

Sec. 46-69. Issuance.

Taxicab permits shall be issued by the director upon determination that the applicant is entitled to receive a taxicab permit and has otherwise complied with all of the requirements of this article, and upon payment by the applicant of the fee prescribed by section 46-68 of this Code. (Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-70. Term; renewal.

A permit issued under this division shall be valid for a one-year permit term commencing on April 1 and extending through the succeeding March 31. A permit may be renewed each year by payment of the annual fee as provided in section 46-68 of this Code.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 11, 11-12-03)

Editor's note—It should be noted that section 21 of Ord. No. 03-1046, adopted Nov. 12, 2003, states that the provisions of § 46-70 with respect to the term of annual taxicab permits being changed from February 1 through January 31 to April 1 through March 31 shall become effective on April 1, 2004. Taxicab permits issued for the term commencing on February 1, 2003, and ending on January 31, 2004, may be extended to be valid during the interim period between February 1, 2004, and March 31, 2004, by payment of the sum of \$66.66 to the Department of Finance and Administration. The Director of Finance and Administration shall issue rules and regulations for the interim permit extensions. It shall be unlawful to operate any vehicle as a taxicab during the months of February and March 2004 unless and until the interim permit fee payable under this section has been paid.

Sec. 46-71. Changes in principals after issuance.

Any change in principals of a permittee shall be subject to an application to be filed in the same manner as under section 46-65 of this Code for a permit application and shall only be authorized to the extent that the applicant is qualified thereunder, provided that the director may utilize modified application forms and procedures that do not require the provision of information or data that is applicable by its nature to the issuance of a new permit but not applicable to the decision process for a change in principal. The director shall au-

thorize the permittee to continue to operate on a temporary basis pending the determination if, based upon an initial review of the application, it appears that the applicant will be determined to be qualified. If the application is denied, the permittee may not continue to utilize the permit(s), and the permit(s) shall terminate on the thirtieth day following notice of denial and any appeal therefrom, unless the permittee divests itself of the new principal or otherwise returns to compliance with this article.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 12, 11-12-03)

Sec. 46-72. Transfer of permits.

(a) When used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

New permit means any permit that has been issued for a period of less than five years, as computed from the date of its initial issuance by the city.

Old permit means any permit that is not a new permit.

Transfer means any sale, lease, lease assignment, or other arrangement by contract or otherwise whereby a permittee allows another person on a temporary or permanent basis to make use of one or more permits that are held by the permittee except an arrangement in the nature excepted in subsection (b).

(b) The terms of this section do not apply to a license, lease, or subcontractor arrangement in conformity with section 46-17 of this Code between a permittee and an individual driver-operator that allows the driver-operator to operate a taxicab under one of the permittee's permits, provided that:

- (1) The permittee remains fully responsible to the city for the actions of the driver-operator as provided by this article;
- (2) The arrangement does not convey any right to purchase or acquire the permit or option to do so;

- (3) The arrangement provides by its terms that it may not be used in any manner as collateral or as a guarantee to support any loan or extension of credit.

(c) A permit may only be transferred to:

- (1) A person who is an existing permittee; or
- (2) A person who would be qualified to obtain a permit as a new entrant applicant under this division.

(d) Any transfer to a person who is not an existing permittee shall be subject to an application to be filed in the same manner as under section 46-65 of this Code for a permit application and shall only be allowed to the extent that the applicant is determined to be qualified thereunder. The director may authorize the transfer on a temporary basis pending the completion of the processing of the application, subject to the same provisions set forth in section 46-71 of this Code.

(e) Except as provided in this subsection, a new permit may not be transferred in any manner or by any means, whether at law, by contract or otherwise, and may only be held by the person with the same principals named as the applicant in the application filed under section 46-65 of this Code. Any alienation of a new permit or use of any taxicab operated thereunder other than in the business owned and operated by the lawful holder of the new permit shall render the permit void.

A new permit shall constitute a privilege to which no property interests or rights of any kind or character shall appertain. However, in the case of the death, disability, or unavailability of any new permittee or principal thereof or for other good cause, the city council may, by motion, upon request duly filed with the city secretary, authorize the reassignment of the new permit to a spouse, child, or other close relative of the new permittee who will carry on the business. The proposed transfer shall be first referred by the city secretary to the director of finance and administration for a determination that the proposed transferee is qualified to receive the transfer of the new permit under the applicable provisions of this Code. A new permit shall be subject to revocation and shall be unlawful to possess to the extent that it is used in contraven-

tion of this subsection. The new permittee shall be entitled to notice and a hearing in the same manner as provided in this article for revocation of permits for other grounds.

(f) A permit that is subject to a suspension or revocation proceeding may not be transferred, nor may a suspended permit be transferred during the period of suspension.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, §§ 13, 14, 11-12-03; Ord. No. 07-227, § 2, 2-14-07)

Secs. 46-73—46-85. Reserved.

DIVISION 3. TAXICAB DRIVER'S LICENSE

Sec. 46-86. Required.

(a) It shall be unlawful for any person who does not hold a current and valid city taxicab driver's license issued under this division to operate a taxicab on the streets of the city. The operator shall have the taxicab driver's license in his possession at all times when operating a taxicab and shall display the taxicab driver's license to any peace officer or city inspector upon request. Violators of this section, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00.

(b) No permittee shall suffer or allow any of his taxicabs to be driven by anyone who does not possess a current and valid city taxicab driver's license.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-87. Application.

Application for a taxicab driver's license shall be submitted to the director on a form promulgated by the director. The applicant shall provide the following information under oath:

- (1) The applicant's full name, residence, places of residence for five years previous to moving to his present address, age, race, height, weight, color of eyes and hair, place of birth, and length of time he has resided in the city;

- (2) Whether the applicant is a citizen of the United States, and his record of employment for the past five years, social security number, and marital status;
 - (3) Whether the applicant has ever been convicted of a felony or misdemeanor;
 - (4) Whether the applicant now stands charged with the commission of a felony or misdemeanor;
 - (5) Whether the applicant has previously been licensed as a taxicab driver;
 - (6) Whether the applicant has ever been denied a taxicab driver's license or has had one or more taxicab driver's licenses revoked or suspended;
 - (7) Whether the applicant has ever had a private passenger vehicle operator's license or a commercial vehicle driver's license or a chauffeur's license revoked;
 - (8) The permittee that the applicant intends to work for; and
 - (9) Evidence of compliance with any qualifications established in this article and any other relevant information that may be requested by the director.
- (Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-88. Qualifications of applicant.

Each applicant for a taxicab driver's license required by this division must:

- (1) Have a valid state class A, B or C Texas driver's license.
 - (2) Be 18 years of age or older.
 - (3) Be a person of good moral character.
 - (4) Be able to read and write the English language.
 - (5) Produce, on forms to be provided by the director, affidavits of his character from two reputable citizens who have known him personally and observed his conduct for at least one year.
 - (6) As provided by section 46-112 of this Code, submit to medical examination by a licensed physician and provide the report of the physician, which must be signed by the physician, on forms to be provided by the director.
 - (7) Have no criminal history that is disallowed under section 1-10 of this Code. Upon initial application for a taxicab driver's license and at renewal intervals of six years, the director shall cause each applicant's criminal history to be researched. The applicant shall complete any forms required for the director to obtain the report and provide funding to the director in a manner specified to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.
 - (8) Provide evidence, in a form to be specified by the director, that he is either (i) a citizen of the United States of America by birth or naturalization or (ii) an alien legally residing in the United States of America who has the legal right to engage in employment as a taxicab driver.
 - (9) Provide a driving record, in a form to be specified by the director, from Texas and from any state that has issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application.
 - (10) Demonstrate by means of passing an examination, promulgated by the director, that the applicant possesses minimum essential knowledge of this article of this Code as well as city streets.
- (Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 15, 11-12-03; Ord. No. 07-227, §§ 3, 4 2-14-07)

Sec. 46-89. Fingerprints of applicant.

Each applicant for a taxicab driver's license shall submit himself to be fingerprinted at the location indicated by the director.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 07-227, § 5, 2-14-07)

Sec. 46-90. Drug screening.

In addition to the other requirements of this division, each applicant for an original or renewal taxicab driver's license shall provide or cause to be provided evidence that the applicant has passed a drug screening test within the 30 day period preceding the date of filing of the application for issuance or renewal. The director shall promulgate rules and regulations relating to the drug screening test. The test procedure shall be equivalent to that prescribed by the mayor for pre-employment drug screenings for city employees. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the applicants.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-91. Issuance or denial.

The director, upon consideration of the application and reports submitted under this division, as reflecting the applicant's character, and the applicant's reputation in the community for character, shall, subject to applicable requirements of this article, issue the taxicab driver's license or deny the application. If the application is denied, the applicant shall be notified in writing by the director within five days that his application has been denied and the grounds therefor. If the grounds are based in whole or in part upon section 1-10 of this Code, then the notice shall comply with section 1-9 of this Code and applicable state laws.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 16, 11-12-03; Ord. No. 07-227, § 6, 2-14-07)

*The provisions of subsection (b) no longer exist.

Sec. 46-92. Term; renewal.

Each taxicab driver's license shall expire two years from the date of issuance. The taxicab driver's license may be renewed by making application to the director upon forms provided by the director for that purpose 30 days prior to the date of expiration of the taxicab driver's license.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 16, 11-12-03)

Sec. 46-93. Fee.

No fees shall be charged for the issuance of any taxicab driver's license, or for renewal thereof.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-94. Appeal from denial of application.

The decision of the director in denying an application for a taxicab driver's license under any provision of this article may be appealed to an independent hearing examiner designated by the director. Each appeal must be perfected by a letter addressed to the director and delivered to the director's office within 15 days of the date that notice of the director's decision, addressed to the party making the appeal, is placed in the United States mail. The letter of appeal must state that an appeal from the decision of the director is desired. The director may grant the applicant a hearing only if the applicant's notice of appeal is in writing and timely given. The hearing shall be conducted in accordance with section 1-9 of this Code and applicable state laws if the denial was based in whole or in part upon section 1-10 of this Code. Subject to any further appeal authorized by state law, the hearing examiner's decision shall be final.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-95. State driver's license status.

The issuance of a taxicab driver's license is subject to the holder's maintenance of a current and valid Class A, B, or C Texas Driver's License and the expiration, suspension, or revocation of the State license shall automatically render the taxicab driver's license invalid until the applicant again holds a current and valid state license.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-96. Waiting period before becoming eligible to reapply for taxicab driver's license.

A person whose application for a taxicab driver's license has been denied or whose taxicab driver's license has been revoked and such action has become final shall be required to wait a period of

one year from the date the denial or revocation became final before becoming eligible to reapply for a taxicab driver's license.

(Ord. No. 99-1331, § 5, 12-15-99)

Secs. 46-97, 46-98. Reserved.

Editor's note—Ord. No. 2003-1046, § 17, adopted Nov. 12, 2003, repealed §§ 46-97, 46-98, in their entirety. Formerly said sections pertained to driver training and driver registration; information and derived from Ord. No. 99-1331, § 5, 12-15-99.

Secs. 46-99—46-110. Reserved.

DIVISION 4. MISCELLANEOUS DRIVER REQUIREMENTS

Sec. 46-111. Driver appearance.

(a) It shall be the duty of every taxicab driver to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a taxicab is in his or her custody.

(b) Male drivers shall be clean-shaven, and hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.

(c) Subject to the limitations of subsection (e) below, the term "suitably dressed" shall be interpreted to mean the driver, if male, shall wear trousers or slacks, a shirt, with or without a tie, shoes, and, if desired, appropriate outer garments.

(d) Subject to the limitations of subsection (e) below, the term "suitably dressed" shall be interpreted to mean the driver, if female, shall wear a skirt, trousers, or slacks, a shirt or a blouse, shoes, and, if desired, appropriate outer garments.

(e) Clothing that is not considered appropriate and is not permitted, whether a male or female driver is driving a taxicab includes: (1) T-shirts, underwear, tank tops, body shirts, swim wear, jogging suits, or similar types of attire when worn as an outer garment; or (2) any form of shorts.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-112. Physician's certificate; medical examinations.

Each person licensed to drive a taxicab shall have at all times on file in the office of the director a certificate from a duly licensed physician, which certificate is not more than four years old, showing that the physician has examined the person and that the person has no disability or ailment that would prevent the person from safely operating a taxicab. The director shall have the authority to require a medical examination and the provision of a replacement certificate at any time upon five days' notice in writing to a driver if the director has cause to believe that the driver's medical condition has materially changed or that the previously filed certificate is otherwise no longer accurate.

(Ord. No. 99-1331, § 5, 12-15-99; Ord. No. 03-1046, § 18, 11-12-03)

Sec. 46-113. Limitation on hours of work.

(a) No taxicab driver shall drive more than 12 hours in any one consecutive 24 hour period.

(b) No taxicab permittee shall suffer or allow any taxicab driver to drive a taxicab for more than 12 hours in any consecutive 24 hour period.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-114. Duty to transport passengers by shortest route.

Each driver of a taxicab in the city shall transport his passengers to definite points designated by the passengers, and he shall take the most direct and shortest route to deliver the passengers safely and expeditiously to their destination.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-115. Duty to pull to curb to load or unload.

It shall be the duty of each taxicab driver to pull his vehicle to the curb when loading or unloading passengers.
(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-116. Refusal to discharge passenger at designated place.

(a) No taxicab driver shall refuse to discharge a passenger at any place designated by the passenger upon the streets of the city, except when

the place so designated is at a point not easily accessible by reason of an obstruction, a no parking zone, or conditions rendering the designated place or access to the designated place unreasonably hazardous.

(b) The provisions of this section shall not be deemed to excuse compliance with section 46-115 of this Code, which requires passengers to be unloaded at the curb.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-117. Leaving taxicab while waiting at depot, airport, hotel, etc.

No taxicab driver shall leave his taxicab for any purpose, except in emergencies, while he is waiting at a depot, airport or hotel. This section does not prohibit the driver from assisting passengers in loading and unloading.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-118. Duty to inspect vehicle; procedure when passenger leaves article in cab.

(a) Each taxicab driver shall inspect his taxicab before going on duty and after discharging each passenger to see that the taxicab is free of cigars, cigarettes, papers, bottles, and anything that could cause offensive or objectionable odors. He shall check the interior of the taxicab and the trunk to see that no articles have been left in the vehicle after each passenger reaches his destination. In the event a passenger should leave any article in the taxicab, the taxicab driver shall immediately notify the taxicab dispatcher, and the driver shall immediately return the article to the owner, the company dispatcher, or a company representative, before making another trip. When a driver delivers the article to the owner or the dispatcher, a receipt for the article shall be prepared in triplicate. The original copy of the receipt shall be mailed to the director, the second copy retained by the driver of the taxicab, and the third copy shall be furnished to the permittee.

(b) The permittee shall keep the article for a period of not more than ten days and, if the owner of the article has not called for it within that period of time, the permittee shall then deliver the lost article to the office of the chief of police.

The chief of police shall give the permittee a receipt for the article and, following any holding period required for the redemption, shall cause the item to be disposed of in accordance with applicable law.

(Ord. No. 99-1331, § 5, 12-15-99)

Sec. 46-119. Duty to transport within the corporate limits.

It shall be unlawful for a taxicab driver to refuse to transport a person to a requested destination located within the corporate limits of the city.

(Ord. No. 99-1331, § 5, 12-15-99)

Secs. 46-120—46-125. Reserved.

**DIVISION 5. REVOCATIONS,
SUSPENSIONS***

Sec. 46-126. Revocation; suspension.

(a) Taxicab permits and driver licenses may be denied, revoked, suspended, or denied for renewal:

- (1) Based upon criminal convictions in accordance with section 1-10 of this Code; or
- (2) For failure to comply with this article.

(b) Consistent with sections 1-9 and 1-10 of this Code and applicable state laws, the director shall promulgate regulations for any required hearings and procedures.

(Ord. No. 03-1046, § 19, 11-12-03; Ord. No. 07-227, § 7, 2-14-07)

Secs. 46-127—46-135. Reserved.

Editor's note—Ord. No. 03-1046, § 19, adopted Nov. 12, 2003, repealed §§ 46-127—46-134 in their entirety. Formerly said sections pertained to demerit point values, assessment of demerits; hearing; effect of reversal of conviction; action based upon demerits; suspension, surrender of permit or taxicab driver's license; addresses; other suspensions or revocations and derived from Ord. No. 99-1331, § 5, 12-15-99.

***Editor's note**—Ord. No. 03-1046, § 19, adopted Nov. 12, 2003, amended the title of Ch. 46, Art. II, Div. 5 to read as herein set out. Formerly said title pertained to demerits, revocations and suspensions.

ARTICLE III. SUBURBAN BUSES***DIVISION 1. GENERALLY****Sec. 46-136. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Director* shall mean the director of finance and administration or his designee(s).
- (2) *Driver* shall mean the person who actually drives and manages a bus upon the streets.
- (3) *Operator* shall mean the person, firm or corporation owning a bus or having such interest therein as entitles him to the rights of an owner thereof, unless the context requires a different meaning.
- (4) *Street* shall include any street, alley, avenue, lane, public place, square or highway within the corporate limits of the city.
- (5) *Suburban bus* shall mean any motor vehicle designed or adapted and used for the transportation of passengers, and operated for hire, over the public streets of the city, which takes passengers from suburban points without the city limits to points within the city limits or from points within the city limits to suburban points without the city limits.

(Code 1968, § 43-1; Ord. No. 86-528, § 22, 4-22-86)

Sec. 46-137. Compliance with article.

No operator of any suburban bus or any line of suburban buses shall permit or cause to be driven, nor shall any driver of any suburban bus drive, on any street of the city any bus which does not comply with all of the provisions of this article. It shall be a violation of this article on the part of any operator of a suburban bus or line of subur-

*Cross references—Shelters for users of public transportation, § 40-200 et seq.; authority of traffic engineer to designate public carrier stops and zones, § 45-129; restricted access lanes for certain mass transportation vehicles, § 45-337 et seq.; standing and parking of buses, § 45-131.

ban buses and on the part of any driver of a suburban bus to fail to comply and to fail to require compliance with any of the provisions of this article.

(Code 1968, § 43-2)

Sec. 46-138. Compliance with other ordinances and laws.

Notwithstanding any provision of this article or the granting of any franchise under this article in the operation of any suburban bus, every person in any manner connected therewith shall conform to and observe all present and all future ordinances of the city and all laws of the state applicable to the operation of motor vehicles.

(Code 1968, § 43-3)

Sec. 46-139. Operation subject to director's regulations.

Notwithstanding the granting of any franchise under this article, every person connected with the operation of any suburban bus shall be subject to the control of the director and shall observe such reasonable regulations as he may from time to time prescribe with respect to the safety and sanitary condition of such buses, the frequency of services, routes and schedules and all other matters affecting the protection of the public.

(Code 1968, § 43-4)

Sec. 46-140. Insurance.

(a) Notwithstanding any other provision of this article to the contrary, no franchise issued under this article shall become effective until the person to whom such franchise is granted shall have filed with the director a standard policy of public liability and property damage insurance executed by an insurance company duly and legally authorized to do business in the state, such policy to be performed in the city and to be approved by the director, insuring the general public against any loss or damage that may result to any person or property from the operation of suburban buses covered by such franchise.

(b) The public liability and property damage insurance herein provided for shall have limits of not less than the following amounts for bodily injuries to or death of any person or persons:

<i>Seating Capacity (Passengers)</i>	<i>Limit for Bodily Injuries to or Death of One Person</i>	<i>Limit for Bodily Injuries to or Death of All Per- sons Injured or Killed in Any One Accident, Subject to a Maximum of \$5000.00 for Bodily Injuries to or Death of One Person</i>
7 or less.....	\$5,000.00	\$15,000.00
8 to 12	5,000.00	20,000.00
13 to 20	5,000.00	30,000.00
21 to 30	5,000.00	40,000.00
31 or more ...	5,000.00	50,000.00

For the injury to or destruction of property in any one accident, the limit of liability shall not be less than \$1,000.00.

(c) Such insurance shall be for the protection of the passengers of such suburban bus or buses as well as for the general public, but shall not cover personal injury sustained by the servants, agents or employees of the person filing same. The policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon.

(d) If the director shall determine, after a hearing duly had, and after ten days' notice is given the operator that any standard policy of insurance as filed by the operator has become impaired so as to afford less protection to the public than when originally filed, he shall require a new or additional policy so as to bring the protection of such insurance to its original amount, and the operator shall have five days after receiving written notice of such requirement to provide the required new or additional policy. In the event such operator fails to provide the additional policy required, his franchise shall automatically terminate and expire.

(e) If any insurer desires to be released from any insurance policy filed under this section, he may do so by giving written notice to the director at least 30 days before he desires to be released from the liability, and the director shall thereupon give written notice by registered mail to the operator and demand that such operator furnish new insurance by the expiration of the policy herein provided for, and shall discharge the first

insurer from any liability which shall accrue after the time of approval of the new policies furnished by the operator. If any policy is cancelled as herein provided or expires and no new policy is filed by the operator before the cancellation or expiration of the original insurance, the franchise of such operator for the operation of suburban buses shall automatically terminate and expire.

(f) Neither the city nor any of its officers shall be liable for the pecuniary responsibility or solvency of any such insurance or in any manner become liable for any sum on account of such claim or act of omission nor for any failure on the part of any of its officers or employees to have required either strict or substantial compliance by any operator with any of the provisions of this chapter.

(Code 1968, § 43-5)

Sec. 46-141. Certificate of self-insurance in lieu of insurance.

(a) A suburban bus operator may, in lieu of the insurance requirements provided for in section 46-140 of this Code, file with the director a certificate of self-insurance issued by the state department of public safety in accordance with the provisions of the Texas Motor Vehicle Safety-Responsibility Act. In the event of the cancellation at any time of the certificate of self-insurance, the right of the holder of the suburban bus franchise to operate buses thereunder on the streets of the city shall automatically be suspended and shall remain suspended until the restoration of the certificate of self-insurance or until the holder of the franchise complies with all the provisions of section 46-140 of this Code concerning liability insurance.

(b) This section does not and shall not be construed to reduce the minimum insurance requirements of section 46-140 based on seating capacity. The certificate of self-insurance shall only be accepted in lieu of an insurance policy in an amount

which would be required to establish "proof of financial responsibility," as defined in subsection 10 of section 1 of article 1 of the Texas Motor Vehicle Safety-Responsibility Act, and any excess over that amount must be supplied by a policy of insurance.

(Code 1968, § 43-6)

Sec. 46-142. Maintenance.

All suburban buses shall be maintained in a safe and sanitary condition and every suburban bus shall be thoroughly cleaned and disinfected at least once in each twenty-four-hour period.

(Code 1968, § 43-7)

Sec. 46-143. Equipment.

All suburban buses shall be equipped with rear vision mirrors, a double windshield wiper, a partition or other guard to keep passengers from standing to the left of the driver, proper headlights and taillights which shall always be in good working condition and which shall be lit from one-half hour after sunset to one-half hour before sunrise while and if the bus is being driven and four-wheel brakes which may be either hydraulic or air brakes and which shall always be kept in first-class working order.

(Code 1968, § 43-8)

Sec. 46-144. Rates and charges.

Notwithstanding other provisions of this article, and notwithstanding the granting of any franchise pursuant to this article, the rates to be charged by the operator of any suburban bus or line of suburban buses shall and may be fixed and determined from time to time by the city council and such rates may be changed from time to time by the city council where passengers are transported for hire wholly within the city limits. Nothing in this Code or the ordinance adopting this Code shall be deemed to repeal or otherwise affect the validity of any ordinance fixing such rates.

(Code 1968, § 43-9)

Sec. 46-145. Posting of rates and routes.

Every suburban bus shall have posted in a conspicuous place in the bus the route to be traveled thereby and a schedule of the rates of fares and shall have painted on the front and on the rear

thereof, or on both sides, a serial bus number indicating the bus route in accordance with such classification and enumeration of routes as the director may devise and order.

(Code 1968, § 43-10)

Cross reference—Standing and parking of buses, § 45-131.

Sec. 46-146. Inspection; correction of defects.

The director, or his duly appointed representative, may at any time make tests and inspections of all suburban buses, and if, as a result of such inspection, any bus is found to be in an unsatisfactory condition, the owner or operator thereof shall be notified of the defects observed and shall immediately correct same to the satisfaction of the director. If the director finds any suburban bus to be unfit or unsafe for the carriage of passengers, he shall forthwith notify the operator of such bus or line of buses and such operator shall not thereafter cause or permit such bus to be operated on any street of the city until it has been made safe for the carriage of passengers. The director and any employee whom he may designate to the duty of inspection of buses shall be given free and ready access to all suburban buses.

(Code 1968, § 43-11)

Sec. 46-147. Drivers not to smoke or use tobacco.

Drivers of suburban buses shall not smoke or use tobacco during the time they are driving such buses.

(Code 1968, § 43-12)

Cross reference—Smoking in buses generally, § 28-27.

Sec. 46-148. Maximum shifts for drivers.

No driver of a suburban bus shall drive the bus for more than twelve (12) hours in any twenty-four-hour period and no owner of any suburban bus shall permit any person to drive such bus more than twelve (12) hours in any twenty-four-hour period.

(Code 1968, § 43-14)

Sec. 46-149. Doors to be closed while in motion.

The doors of a suburban bus shall be securely closed at all times while the bus is in motion.

(Code 1968, § 43-15)

Sec. 46-150. Receipt or discharge of passengers generally.

Suburban bus passengers shall not be received or discharged in the traveled portion of any street, but if passengers are to be received or discharged, the driver shall pull the bus to the curb and discharge the passengers on the side of the bus immediately against the curb.

(Code 1968, § 43-16)

Cross references—Authority of traffic engineer to designate public carrier stops and zones generally, § 45-129; standing or parking of buses, § 45-131.

Sec. 46-151. Designation of loading points.

Notwithstanding any provision of this article or any franchise granted under this article, the city reserves the right, by ordinance or by rule or regulation promulgated pursuant to any ordinance in effect at this time or hereafter passed, to designate certain areas within the city and certain portions of certain streets within the city within and upon which passengers may not be loaded or discharged by any suburban bus except at loading points to be so designated and to provide by penal ordinance for the prevention of loading or unloading within such areas or upon such streets except at such designated loading points.

(Code 1968, § 43-17)

Cross references—Authority of traffic engineer to designate public carrier stops and zones generally, § 45-129; standing or parking of buses, § 46-131.

Sec. 46-152. Intoxicated passengers; indecent language by passengers.

No person who is intoxicated shall be permitted to enter or ride in a suburban bus, and no person shall curse or swear or use any indecent language in any suburban bus. It shall be the duty of the driver of any suburban bus to eject from such bus any person violating this section or to report such violation to a peace officer at the first opportunity.

(Code 1968, § 43-18)

Sec. 46-153. Passengers not to ride on outside or block driver's vision.

No driver of a suburban bus shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the bus, nor shall he permit any

passenger to stand in such a position that the driver's vision forward or to the right front or left is blocked.

(Code 1968, § 43-19)

Sec. 46-154. Conversation between driver and passengers.

No driver of any suburban bus shall converse with any passenger while the bus is in motion except to give necessary information, but he shall give his entire attention to the operation of the bus while the same is in motion. A sign or poster shall be carried in plain view of all passengers on a suburban bus stating: "No passenger shall converse with the driver, while the bus is in motion."

(Code 1968, § 43-20)

Sec. 46-155. Accident reports.

Suburban bus operators shall make immediate report to the director of each and every accident in which any suburban bus is involved. Such report shall give the time and place of the accident, the number and names of all persons injured or killed, both passengers and nonpassengers.

(Code 1968, § 43-21)

Cross reference—Vehicle accidents generally, § 45-286 et seq.

Sec. 46-156. Right of city to regulate operation of vehicles.

Notwithstanding other provisions of this article or any franchise granted under this article, the city reserves the right, by ordinance or any other lawful rule or regulation, to regulate the operation of all motor vehicles on the streets of the city.

(Code 1968, § 43-22)

Cross reference—Traffic, Ch. 45.

Sec. 46-157. Appeals.

(a) Any person dissatisfied with any order, rule or regulation of the director made by him pursuant to any provision of this article shall have the same right of appeal to the city council which is provided by section 46-171 of this Code for appeals from his refusal to grant a certificate of public necessity and convenience, all of which appeals shall be perfected in the manner therein

provided and shall be acted upon by the city council in the manner therein provided. Any appeal from any order, rule or decision of the director shall be perfected within ten (10) days from the date of the order, rule or regulation appealed from, and not thereafter.

(b) Upon the application of any person aggrieved by or dissatisfied by a rule, order or regulation made by the director pursuant to any provision of this article, the mayor may, if in his opinion the public safety or welfare will not be endangered by a temporary stay thereof, stay the effect and force of such rule, regulation or order pending appeal therefrom as hereinabove provided or pending the lapse of time within which to perfect an appeal. (Code 1968, § 43-23)

Secs. 46-158—46-165. Reserved.

DIVISION 2. FRANCHISE

Sec. 46-166. Required.

It shall be unlawful for any person to operate a suburban bus in the city unless such person holds a franchise authorizing such operation issued as provided for in this division. (Code 1968, § 43-34)

Sec. 46-167. Certificate of public convenience and necessity—Prerequisite to issuance.

No franchise shall be granted under this division until the applicant therefor has obtained a certificate of public convenience and necessity pursuant to this division. (Code 1968, § 43-35)

Sec. 46-168. Same—Application and accompanying data.

(a) Any person desiring to operate a suburban bus or buses shall file with the director an application for a certificate of public convenience and necessity, which application shall contain the following information:

- (1) The name and post office address of the applicant; and if the applicant is a partnership, the name and address of the partners; and if

the applicant is a corporation, the name and places of residence of the then acting officers of such corporation.

- (2) The number of suburban buses to be operated, and the seating capacity of each of such vehicles.
- (3) The route over the streets of the city which the applicant desires to follow in the operation of such bus or buses.
- (4) The approximate number of trips daily to be made by the applicant's bus or buses over the prescribed route.
- (5) The schedule of fares to be charged by the applicant for the services rendered.
- (6) The applicant's qualifications for providing the service to be rendered.

(b) Such application shall be accompanied by supporting statements or certificates containing the following information:

- (1) A sworn financial statement showing in reasonable detail a list of all of the property and assets owned by the applicant, the fair market value thereof, the extent, if any, to which such assets may be encumbered, and the nature and amount of any and all obligations owing by such applicant.
- (2) A map or sketch in triplicate showing the proposed route to be traveled by the bus or buses operated by the applicant.
- (3) Such other information as the director may determine to be necessary to fully consider the applicant's facilities and ability to safely and satisfactorily perform the service to be rendered.

(Code 1968, § 43-36)

Sec. 46-169. Same—Notice of application and hearing thereon.

(a) The director shall cause a notice of each application for a certificate of public convenience and necessity under this division to be published in one of the daily newspapers in the city for three (3) consecutive days, the cost of publishing such notice to be paid in advance by the appli-

cant. Such notice shall set forth the fact that such application has been filed, and shall state that a hearing will be held in the council chamber of the city hall, and shall designate the time, which shall be not less than five (5) days nor more than fifteen (15) days after the first publication of such notice.

(b) The director shall require that a transcript be made of the hearing at the expense of the applicant.

(Code 1968, § 43-37; Ord. No. 76-795, § 1, 5-18-76)

Sec. 46-170. Same—Consideration of application; issuance.

(a) The director, upon receipt of an application for a certificate of public convenience and necessity and the supporting information required by this division, shall take into consideration the merits of the application, the demands of public convenience and necessity for the service to be rendered, the financial responsibility of the applicant, the number, kind, type of equipment to be used by the applicant, and such other relevant facts as the director may deem advisable or necessary, which may throw light on the public convenience and necessity.

(b) If the director finds from his investigation, and after a hearing that the public convenience and necessity justify the operation of the suburban bus or buses for which the certificate is desired, the director shall issue a certificate that the public necessity and convenience will be served by permitting the operation by the applicant of the number and type of buses set forth in his application, or so many thereof as the director finds the public necessity and convenience demand, along the routes and upon the schedules proposed by the applicant.

(Code 1968, § 43-38)

Sec. 46-171. Same—Appeals by applicant.

(a) If any applicant for a certificate of public convenience and necessity under this article is dissatisfied with the decision rendered by the director, such applicant shall have the right of appeal to the mayor and city council, which appeal shall be perfected by his delivering to the city secretary a letter addressed to the mayor and city

council, stating that an appeal from the decision of the director to the council is desired. The city council, within ten (10) days after receiving such notice of appeal from the findings of the director, shall grant the applicant a hearing, and after such hearing may sustain, reverse or modify the decision made by the director.

(b) The council's decision shall be certified to the director and should such decision be in favor of granting an application theretofore denied by the director, or of granting an applicant a certificate for the operation of more buses or upon other schedules than those approved by the director, the director shall then issue the certificate of public necessity and convenience in accordance with the decision of the council. If, however, in the first instance, no appeal is taken from the decision made by the director within the time provided, such decision shall be final.

(Code 1968, § 43-39)

Sec. 46-172. General manner of granting.

(a) All franchises required by this article shall be granted pursuant to the provisions of the charter, and in particular the provisions of sections 17 and 18 of article II of the charter.

(b) When a certificate of public convenience and necessity has been issued pursuant to the terms of this article, a franchise required by this article may be granted by ordinance of the city council, which franchise and ordinance shall be passed pursuant to and in conformity with all of the provisions of the charter of the city and in particular with the provisions of sections 17 and 18 of article II thereof.

(Code 1968, § 43-40)

Sec. 46-173. Contents of ordinance.

An ordinance granting a franchise under this division shall set forth the number of buses and capacity thereof which may be operated thereunder, the routes to be traveled and the schedules to be observed, but shall contain provisions authorizing the director, under such rules and regulations as he may adopt subject to the approval of council, to permit such variations in the routes and schedules and assignment of buses as may from time to time be proper. Such franchise ordi-

nance shall provide that it shall not become effective unless, within the time provided in such ordinance for its becoming effective, the person to whom the franchise is granted shall have paid to the director the franchise fees established in this division for one year's operation.
(Code 1968, § 43-41)

Sec. 46-174. Deposit to cover cost of publication of ordinance.

Before a franchise or franchise ordinance provided for by this division is published as required by the provisions of the charter, the applicant therefor shall deposit with the city secretary the amount which the city secretary may ascertain will be the cost of such publication. After such publication has been ordered, the applicant shall not be entitled to have refunded any part of such deposit which is made to secure the cost of publication except such part thereof, if any, as is not expended for that purpose.
(Code 1968, § 43-42)

Sec. 46-175. Fee.

(a) The annual fee for a franchise required by this division shall be as follows:

- (1) For each suburban bus to be operated, having a seating capacity of 30 or more, the sum of \$150.00.
- (2) For each suburban bus to be operated, having a seating capacity of more than 24 and less than 30, the sum of \$120.00.
- (3) For each suburban bus to be operated, having a seating capacity of more than 19 and less than 25, the sum of \$100.00.
- (4) For each suburban bus to be operated, having a seating capacity of more than 14 and less than 20, the sum of \$90.00.
- (5) For each suburban bus to be operated, having a seating capacity of less than 15, the sum of \$75.00.

(b) The franchise fees provided for hereunder and to be provided for in such franchise ordinance shall be paid on an annual basis and if the holder of any franchise shall not, on or before the expiration of one year from the date of issue thereof,

pay in advance the franchise fee for the succeeding year, such franchise shall thereupon terminate and come to an end.

(c) If a franchise is not finally granted, the applicant shall be entitled to a refund of the amount he has paid as the franchise fee for the first year.

(Code 1968, § 43-43)

Sec. 46-176. Transfer.

A franchise granted under this division shall be personal to the person to whom it is granted and shall not be transferred except subject to such terms as the council may include in the franchise ordinance.

(Code 1968, § 43-44)

Secs. 46-177—46-190. Reserved.

**ARTICLE IV. SIGHTSEEING, CHARTER
AND CHAUFFEURED LIMOUSINE
SERVICES***

DIVISION 1. GENERALLY

Sec. 46-191. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Chauffeured limousine shall mean:

- a. A sedan-type luxury motor vehicle with a passenger capacity of five or

***Editor's note**—Section 5 of Ord. No. 00-960 states that: With the exception of section 46-239 of the Code of Ordinances, Houston, Texas, all provisions of this article shall become effective immediately upon its passage and approval by the Mayor. The provisions of section 46-239 of the Code of Ordinances, Houston, Texas, shall become effective on the ninetieth day next following the date of passage and approval of this ordinance. Immediately following the passage and approval of this ordinance, the director of finance and administration or her designee shall commence accepting and processing applications for limousine driver licenses under section 46-239 and may issue temporary licenses or take such other administrative actions as may be desirable to implement that section in an effective manner.

- six persons (including the driver), which vehicle is either less than or equal to six years of age;
- b. An extended-body type motor vehicle with a passenger capacity of no more than 15 persons (including the driver), which vehicle is either less than or equal to ten years of age and modified to extend its original factory wheelbase by 40 inches or more in conformity with Federal Motor Vehicle Safety Standard requirements.
 - c. A vehicle that is classified in the United States Environmental Protection Agency's annual Fuel Economy Guide as a sport utility vehicle that
 - (i) has a passenger capacity of not less than six persons nor more than nine persons, including the driver,
 - (ii) has a manufacturer's suggested base retail selling price of not less than that of a two wheel drive Ford Expedition, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer, and (iii) is either less than or equal to six years of age;
 - d. A van with a manufacturer's rated passenger capacity of 15 persons (including the driver), which vehicle is less than or equal to seven years of age; or
 - e. An antique, classic, or special interest vehicle.

For the purposes of this article, "antique" shall mean a vehicle that is 25 years old or older; "classic" shall mean a vehicle recognized by the Classic Car Club of America; and "special interest" shall mean a vehicle that, due to limited production, outstanding design, and/or technical achievement, is of special interest. The age of the vehicle will be measured from the manufacturer model year date. The

model year shall always count as the first full year. It shall be the duty of the director to make a determination as to whether or not a given vehicle is less than or equal to six years of age, seven years of age, ten years of age, or is an antique, classic or special interest vehicle within the meaning of this article. In no event will a vehicle other than an antique vehicle be allowed in service for the first time with mileage in excess of 100,000 miles for vehicles, which mileage shall be determined from the odometer and from odometer and title records.

Chauffeured limousine service shall mean the business of renting or leasing a "chauffeured limousine," as defined in this section, including the services of a driver, to a person, solely upon his request or one acting for or on his behalf, for any period of time not less than two hours to be used by the person or persons hiring the vehicle or under their direction and authority for the period of time the vehicle is rented or leased. Specifically excluded from this definition are the following:

- a. Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service.
- b. All taxicabs licensed by the city.
- c. All vehicles operating under a contract with the city.
- d. All sightseeing or charter vehicles licensed by the city.

Director shall mean the director of finance and administration or his designee(s).

Extended body shall mean that a vehicle shall have been modified to extend its original factory wheelbase by 40 inches or more in conformity with any applicable state or federal safety laws, standards, and regulations.

Gross receipts shall mean the aggregate of all sums collected by the licensee in the operation of either a sightseeing or charter service or a chauffeured limousine service; provided, however, that in the case of a chauffeured limousine service, the term "gross receipts" shall not

include or apply to revenues derived from providing chauffeured limousine services involving a vehicle leased or rented from another chauffeured limousine agency that makes a similar charge to the licensee providing the service to the customer.

License shall mean an authority as described herein to operate a sightseeing or charter service or chauffeured limousine service, duly granted by the director under this article.

Licensee shall mean the person, firm, partnership, corporation, association, or society to whom a license has been duly issued under this article for either a sightseeing or charter service or a chauffeured limousine service.

Luxury motor vehicle shall mean a vehicle that has a manufacturer's suggested base retail selling price of not less than that of a Cadillac Sedan de Ville or Lincoln Town Car sedan, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer

Sightseeing or charter service shall mean the transporting of passengers by charter between points within the city and between such points and points without the city upon a route including stops at various points of public interest and providing for eventual discharge at the place at which such passengers are picked up. From such definition is specifically excluded the discharge of passengers from points other than those at which they are picked up.
(Ord. No. 00-960, § 2, 11-1-00; Ord. No. 05-940, § 2, 8-3-05)

Sec. 46-192. Rules and regulations; director's authority.

The director is hereby granted the authority to promulgate, from time to time, reasonable rules and regulations to carry out the intent and purposes of this article, which rules and regulations shall be adhered to by all charter and sightseeing service licensees and chauffeured limousine service licensees hereunder.
(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-193. Penalty.

Any person guilty of violating any of the terms of this article shall, upon conviction, be punished as provided by section 1-6 of this Code. Each day a violation of any of the terms or provisions of this article is allowed to continue shall be deemed a separate offense.

(Ord. No. 00-960, § 2, 11-1-00)

Secs. 46-194—46-199. Reserved.

DIVISION 2. SIGHTSEEING AND CHARTER SERVICES

Sec. 46-200. Scope.

The provisions of this division shall apply to charter and sightseeing services and licensees thereof.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-201. License required.

It shall be unlawful for any person to operate a sightseeing or charter service, or to drive or cause to be operated or driven any sightseeing motor vehicle or charter service motor vehicle upon and over the streets of the city, until such time as the director has approved the issuance of a license for such service and a license has been issued, or at a time when a license previously issued has been suspended or canceled. Violators of this section, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00. Each instance of so operating such vehicle shall be deemed a separate offense.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-202. License term; operations authorized.

(a) A charter and sightseeing service license shall be for a term of ten years and shall authorize the licensee to operate a sightseeing service under which persons picked up at various points are taken upon a route including stops at various points of public interest and eventually discharged at the place at which they were picked up. Proof that persons carried by a licensee are discharged and leave the bus at points other than

those at which they are picked up shall constitute grounds for termination of the license under the provisions hereinafter stated for notice and hearing; provided, that should a licensee have scheduled routes under which "pickups" are made at several points within the business district of the city, then passengers who are picked up and carried over an entire sightseeing route of not less than ten miles in length may be discharged at any of the scheduled discharge points within the business district without constituting a violation of the terms of the license.

(b) A charter and sightseeing service license shall also authorize the operation of a charter service between points within the city and between such points and points without the city; provided however, that in operating motor vehicles for charter service from motels and hotels to transport visitors to and from various sporting events:

- (1) The rates charged by a licensee shall not compete with the local transit system;
 - (2) A licensee shall not advertise locally except by use of posters or notices in said motels and hotels; and
 - (3) A licensee shall wait for the passengers and bring them back to the point of origin.
- (Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-203. Application for license.

Applications for a charter or sightseeing service license shall be submitted on forms to be furnished by the director and the applicant shall furnish the following information with each such application, that shall be sworn to before a notary public:

- (1) The name and form of business under which the service will be operated (if a partnership or corporation, copy of the partnership agreement or articles of incorporation must be attached).
- (2) A complete balance sheet showing all of the assets and all of the liabilities of the applicant.

- (3) A schedule showing the model, type and make of each motor vehicle that the applicant desires to place into operation.
- (4) A description of the sightseeing tours that the applicant proposed to furnish and a schedule of the routes he proposes to follow.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-204. License issuance procedure.

(a) An application for a charter and sightseeing service license shall be submitted on forms to be furnished by the director and the applicant shall furnish the following information with each application, which shall be sworn to before a notary public:

- (1) The name and form of business under which the service will be operated. (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached.)
- (2) The name, mailing address, and street address, if different, of the applicant's agent for service of legal process (which information shall always be kept current).
- (3) A schedule showing the model, manufacturer model year date, type, make, vehicle identification number, license plate number, and mileage of each motor vehicle that the applicant desires to place into operation and a statement as to the legal ownership of each vehicle.

(b) An applicant for a license under this division must:

- (1) Be not less than 18 years of age and of good moral character.
- (2) Not have been convicted of an applicable offense specified in section 1-10 of this Code unless the license is granted notwithstanding the conviction pursuant to section 1-9 of this Code.
- (3) Be able to read and write the English language.

(c) The director shall forward each application received, whether original or amended, to the chief of police for an investigation as to whether

the license applicant has been convicted of any applicable offense(s) as specified in section 1-10 of this Code.

(d) If the applicant is a partnership or association, the partners or associates, or if the applicant is a corporation, each person who is either an officer, a director or a holder of ten percent or more of the outstanding shares, shall be required to join in filing the application and all of the herein set forth provisions and requirements applicable to individual applicants shall apply to and be required of each such partner, associate, officer, director, or shareholder. Failure of any of the persons heretofore mentioned to meet such requirements shall be grounds to deny the application of the partnership, association or corporation.

(e) Any change in associates, partners, officers, directors, or shareholders of the business entity holding a charter and sightseeing service license issued by the city shall require a license amendment and must be reported to the director within ten days after the change. The new associates, partners, officers, directors, or shareholders shall complete and file the forms and supply the information required of applicants for charter and sightseeing service licenses. The director shall consider the information supplied regarding the new or proposed member or officer of the licensee, and if this examination discloses that the new or proposed person possesses the qualifications of a person to whom a charter and sightseeing service license would be issued under the terms of this article, he shall change his records to reflect the new member or officer of the licensee.

(f) Except as provided in section 46-218 of this Code, the addition of any vehicle to the license, removal of any vehicle from the license, or substitution of any vehicle with a replacement vehicle under the license, shall also require a license amendment.

(Ord. No. 00-960, § 2, 11-1-00; Ord. No. 07-227, § 8, 2-14-07)

Sec. 46-205. Identification certificates for vehicles.

Upon the director's issuing a charter and sightseeing service license, the licensee shall fur-

nish to the director a list of the vehicles that he proposes to operate, describing them in such detail as the director may require. The licensee shall furnish to the director similar descriptions and details when he proposes to place any additional vehicle in operation or withdraw from operation any vehicle theretofore operated. The director shall determine the number of vehicles a licensee shall be authorized to operate at any one time. The director shall devise a system of identification for such vehicles and prescribe and issue a form of certificate identifying each vehicle as one lawfully operated under the license. A vehicle shall be deemed in operation whenever there is in force covering the vehicle an identification certificate, whether or not such vehicle may on all days and at all times be in actual operation upon the streets. The council finds that in the interest of an efficient service, it is not practicable for it to designate or prescribe the precise type or description of the vehicles that shall from time to time be operated, provided that the vehicles are designed by the manufacturer to accommodate 16 persons or more, including the driver.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-206. Vehicle condition, safety and equipment.

In the matter of the condition, safety and equipment of the vehicles operated by a sightseeing and charter service licensee, the licensee shall observe all of the provisions of and the director shall have all of the powers given by sections 46-137, 46-142, 46-143, 46-145 and 46-146 of this Code except to such extent, if any, as any provisions of such sections are by their language completely inapplicable other than to the operation of buses upon fixed schedules.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-207. Insurance requirements.

(a) Every vehicle operated under a charter and sightseeing service license issued pursuant to the provisions of this division shall at all times be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) Policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and that 30 days written notice shall be given the director before cancellation of such policy is effective. In the matter of cancellation of such policies, replacements thereof by new policies, and all such related matters, the licensee shall have the responsibility to comply with the provisions of section 46-140 of this Code, and the mayor and the director shall have all of the powers given them by such section.

(c) The insurance required in subsection (a) shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form that has been promulgated by the city for that purpose. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

(Ord. No. 00-960, § 2, 11-1-00; Ord. No. 05-940, § 3, 8-3-05)

Sec. 46-208. Maintenance and operation of vehicles; qualifications of drivers.

The provisions of sections 46-137, 46-142, 46-147 through 46-150 and 46-153 through 46-156 of this Code shall also apply to the condition, safety and equipment of vehicles operated by a sightseeing and charter service licensee.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-209. Schedule of fares.

A sightseeing and charter service licensee shall observe such reasonable schedule of fares to be charged by him as the city council may from time to time fix, subject to re-determination by it in the event of a change in conditions making the schedule theretofore fixed unreasonable. Upon being issued a license, a licensee shall forthwith file with the director a complete schedule of fares to be charged by him, which schedule shall be accepted by the director before the license shall become operative, and in the event any changes

are made in such fares, licensee will file with the director such changes not later than 30 days before the effective date of such changes; provided that if the director fails to act thereon within said 30 day period, such changes in fares shall become effective. A licensee shall observe at all times such schedule of fares as may from time to time be in effect and approved by the director.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-210. Routes and schedules.

The council finds that it is not practicable for it to prescribe detailed schedules or routes upon which sightseeing vehicles used by a sightseeing and charter service licensee shall be operated. Accordingly, in the matter of routes and schedules, a licensee shall operate sightseeing buses only over and along routes theretofore approved by the director and make and observe such changes in such routes as the director may from time to time require.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-211. Annual license fee.

(a) *Fees.* The annual fee for a license under this division shall be \$400.00 for each sightseeing or charter vehicle, payable to the department of finance and administration in two installments as follows: \$200.00 paid on or before January 1st of each year, and \$200.00 paid on or before June 1st of each year. In the event the license is issued for a period of time less than one year, the fee shall be \$50.00 per month or fraction thereof remaining in the calendar year, not to exceed \$400.00. A replacement fee of \$15.00. shall be charged for reissuance of each medallion that is lost, mutilated, or otherwise rendered unusable. Failure to pay the license fees when due shall result in termination of the license as provided in section 46-215 of this Code.

(b) *Refunds.* Within 90 days of the expiration of any calendar year a licensee may apply to the director for a refund of a portion of its license fees if the license fees paid for the previous calendar year exceed two percent of the licensee's gross receipts. The refund application shall be made on the form promulgated by the director. The application shall state the amount of refund requested

and shall be accompanied by copies of records maintained by the licensee in a form approved by the director. The application, as well as any supplementary material required by the director, must be accompanied by an affidavit signed and sworn to by or on behalf of the applicant. The applicant shall state that the application (or supplement) and all attachments thereto are correct and complete and do not omit any material item, and that the applicant either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

- (1) Refund or credit to the account of the licensee the amount by which the total license fees paid for the previous calendar year exceed two percent of the licensee's total gross receipts for the previous calendar year; or
- (2) Deny the refund.

(c) *Additional to other required fees.* The fees established in this section shall be payable in addition to any other applicable fees imposed by this Code or other ordinances of the city. (Ord. No. 00-960, § 2, 11-1-00; Ord. No. 05-940, § 4, 8-3-05)

Note—Section 16(a) of Ord. No. 05-940 provides for an effective date of January 1, 2006.

Sec. 46-212. Statements, reports, records.

A sightseeing and charter service licensee shall furnish and render to the director such statements and reports incident to the conduct by him of the business hereby authorized as the director may prescribe. He shall also keep such records of such operation as shall be sufficient not only to show the amount of his gross receipts during any and every monthly period but also to show the expenses of operation in such detail as may be sufficient to enable the city council from time to time to pass upon the reasonableness of his fares and to fix and determine reasonable fares. He shall permit such persons as the city council,

mayor or the director may, from time to time, appoint to examine such books and records at any and all reasonable times.

(Ord. No. 00-960, § 2, 11-1-00; Ord. No. 07-227, § 9, 2-14-07)

Sec. 46-213. Deficient service; action by director.

Should the director determine upon his own initiative or upon complaint of any person whomsoever that the business and service authorized to be provided by any sightseeing and charter service licensee is not being operated so as to serve fully the public safety, convenience, necessity or welfare (whether from insufficient, unsuitable or unsafe equipment, infrequency of schedules or any other matter incident to such operation), the director shall notify the licensee of his determination, pointing out the respects in which the service is deficient and requiring that within such time as he may designate, the conditions complained of be remedied. In the event the conditions are not remedied within the time specified the director may either suspend the license for a period not to exceed 15 days or issue an order cancelling the license after providing a hearing in the manner contemplated by section 46-215. (Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-214. Right of council to investigate.

The city council may, upon its own initiative or upon the reporting thereof to it by the director or upon the complaint of any interested person, inquire into any matter related to the operations conducted under a sightseeing and charter service license and the fares or charges therefor; and may, upon such inquiry, make such determination and finding as is proper, to the end that the transportation furnished by a licensee shall be such as to serve suitably and adequately the public's needs at fair and reasonable rates for an adequate and dependable sightseeing bus service. (Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-215. Procedure relating to termination of license.

(a) If the director has reason to believe that a sightseeing and charter service licensee has violated any of the terms of this article, he may

notify (or upon motion of council to that effect, he shall notify) the licensee that on a date to be stated in such notice he, the said director will, at a place also to be stated therein, determine whether his license should be terminated because of such default. At such hearing the licensee shall have the right to appear and show cause, if any exists, why his license should not be terminated. Such notice need not do more than state generally the grounds upon which such termination is proposed to be declared. The decision of the director at such hearing shall be final.

(b) Notwithstanding the foregoing, if a sightseeing and charter service licensee fails to pay when due the license fee, or any installment thereof, provided for in section 46-211 of this Code, his license shall automatically be canceled 30 days after the due date of such installment unless, before the expiration of such time, the licensee shall pay the amount of such installment plus interest thereon at the rate of ten percent per annum from such due date until paid.

(Ord. No. 00-960, § 2, 11-1-00; Ord. No. 05-940, § 5, 8-3-05)

Sec. 46-216. Transfer of license.

No transfer of a sightseeing and charter service license issued shall be effective unless it be in writing, in duplicate, signed by the transferor and by the transferee, stating the true consideration of such transfer, accompanied by the transferee's application substantially in the form prescribed in section 46-203 of this Code, which shall be filed with the city secretary, and also accompanied by the certificate of the director that he has found and determined that the public necessity and convenience will be justified and served by such transfer. No transfer of a license shall be effective until the transferee has complied in all respects with the terms of this division.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-217. Existing franchises.

No provision of this Code or of the ordinance adopting this Code shall be construed to repeal

any franchise for the operation of a sightseeing and charter service heretofore granted by an ordinance of the city council.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-218. Temporary vehicle medallions.

In addition to the vehicles regularly operated by a licensee, the licensee may place one or more vehicles into use on a temporary basis from time to time to meet seasonal or unexpected needs in accordance with this subsection. Temporary vehicle medallions shall be issued for a term of 30 consecutive calendar days to commence on the date of issuance at a fee of \$50.00 per vehicle, per medallion, upon provision to the director of proof of the identity of the vehicle to be used including verification that the vehicle is in compliance with all requirements of this division including proof that it is insured as required in section 46-238 of this Code and has been inspected and approved for use as provided in section 46-236 of this Code within six months preceding the date the temporary medallion is issued. For vehicles placed in service on a temporary basis that are less than or equal to two years of age (manufacturer's model year date counted as first full year) proof of a valid state inspection will suffice for the requirement of section 46-236 of this Code. If the licensee's insurance policy on file with the director pursuant to section 46-238 of this Code also covers the vehicles that will be placed in service on a temporary basis, no additional proof of insurance is required.

(Ord. No. 07-227, § 10, 2-14-07)

Secs. 46-219—46-229. Reserved.

DIVISION 3. CHAUFFEURED LIMOUSINE SERVICE

Sec. 46-230. Scope.

The provisions of this division shall apply to chauffeured limousine services and licensees thereof.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-231. License required.

It shall be unlawful for any person to operate a chauffeured limousine service or to offer or agree to provide chauffeured limousine service, or to rent or lease motor vehicles, including the service of a driver, for chauffeured limousine service in the City of Houston, unless the person holds a current and valid chauffeured limousine service license that has been issued under this division. (Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-232. Annual license fee.

(a) *Required.* The annual fee for a license under this division shall be \$400.00 for each limousine, payable to the department of finance and administration in two installments as follows: \$200.00 paid on or before January 1st of each year and \$200.00 paid on or before June 1st of each year. In the event the license is issued for a period of time less than one year, the fee shall be \$50.00 per month or fraction thereof remaining in the calendar year, not to exceed \$400.00. A replacement fee of \$15.00 shall be charged for reissuance of each medallion that is lost, mutilated, or otherwise rendered unusable. Failure to pay the license fees when due shall result in license revocation, as provided in section 46-244(d) of this Code.

(b) *Refunds.* Within 90 days of the expiration of any calendar year a licensee may apply to the director for a refund of a portion of its license fees if the license fees paid for the previous calendar year exceed two percent of the licensee's gross receipts. The refund application shall be made on the form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the licensee in a form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the applicant. The applicant shall state that the application (or supplement) and all attachments thereto are correct and complete and do not omit any material item, and that the applicant either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed.

Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

- (1) Refund or credit to the account of the licensee the amount by which the total license fees paid for the previous calendar year exceed two percent of the licensee's total gross receipts for the previous calendar year; or
- (2) Deny the refund.

(c) *Additional to other required fees.* The fees established in this section shall be payable in addition to any other applicable fees imposed by this Code or other ordinances of the city. (Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-233. Application for license—Form.

(a) An application for a chauffeured limousine service license shall be submitted on forms to be furnished by the director and the applicant shall furnish the following information with each application, which shall be sworn to before a notary public:

- (1) The name and form of business under which the service will be operated. (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached.)
- (2) The name, mailing address, and street address, if different, of the applicant's agent for service of legal process (which information shall always be kept current.)
- (3) A schedule showing the model, manufacturer model year date, type, make, vehicle identification number, license plate number, and mileage of each motor vehicle that the applicant desires to place into operation and a statement as to the legal ownership of each vehicle. Except as provided in subsection (c) below, at least one vehicle to be operated by the applicant must be an extended body type.

(b) An applicant for a license under this division must:

- (1) Be not less than 18 years of age and of good moral character.
- (2) Not have been convicted of an applicable offense specified in section 1-10 of this Code unless the license is granted notwithstanding the conviction pursuant to section 1-9 of this Code.
- (3) Be able to read and write the English language.

(c) The director shall forward each application received, whether original or amended, to the chief of police for an investigation as to whether the license applicant has been convicted of any applicable offense(s) as specified in section 1-10 of this Code.

(d) If the applicant is a partnership or association, the partners or associates, or if the applicant is a corporation, each person who is either an officer, a director or a holder of ten percent or more of the outstanding shares, shall be required to join in filing the application and all of the herein set forth provisions and requirements applicable to individual applicants shall apply to and be required of each such partner, associate, officer, director, or shareholder. Failure of any of the persons heretofore mentioned to meet such requirements shall be grounds to deny the application of the partnership, association or corporation.

(e) Any change in associates, partners, officers, directors, or shareholders of the business entity holding a chauffeured limousine service license issued by the city shall require a license amendment and must be reported to the director within ten days after the change. The new associates, partners, officers, directors, or shareholders shall complete and file the forms and supply the information required of applicants for chauffeured limousine service licenses. The director shall consider the information supplied regarding the new or proposed member or officer of the licensee, and if this examination discloses that the new or proposed person possesses the qualifications of a person to whom a chauffeured limousine service license would be issued under the

terms of this article, he shall change his records to reflect the new member or officer of the licensee.

(f) Except as provided in section 46-235(b) of this Code, the addition of any vehicle to the license, removal of any vehicle from the license, or substitution of any vehicle with a replacement vehicle under the license, shall also require a license amendment.

(g) Each chauffeured limousine service licensee is required to maintain and operate at least one extended body type vehicle at all times as part of his city authorized vehicle fleet under the license. The provisions of this requirement shall not extend to renewals or amendments of licenses that were originally issued on the basis of applications that were filed on or before November 1, 2000; however, a licensee operating under this special exemption may not increase the number of vehicles authorized under his license unless and until he adds at least one extended body type vehicle to his authorized vehicle fleet. Failure to comply with the provisions of this section shall be grounds for license revocation.

(h) (1) In addition to any other information required to be provided under this section, each applicant for issuance, renewal, or amendment of a limousine service license shall be required to advise the director in writing upon the application form whether the applicant desires privileges to operate the limousine(s) covered by the license upon the property of city airports.

(2) Each licensee who desires privileges to operate upon city airports is required to maintain and operate at all times under the limousine service license a city authorized fleet of either:

- a. Not less than three limousines, including at least one extended body type vehicle, or
- b. Not less than four licensable chauffeured limousine vehicles, as defined in this article.

The provisions of this requirement shall not extend to renewals or amendments of limousine service licenses that were orig-

inally issued on the basis of applications that were filed on or before November 1, 2000; however, a licensee operating under this special exemption may not increase the number of vehicles authorized under his license unless and until he adds at least one extended body type vehicle to his authorized vehicle fleet.

- (3) The director shall cause each limousine service license that is issued, renewed, or amended and any permits, medallions, or other evidence of licensure to indicate whether or not the licensee and vehicles have city airport privileges under this subsection (h).
- (4) It shall be unlawful for any person to operate or cause to be operated any limousine that does not have city airport privileges under this subsection (h) upon any city owned or operated airport. Additionally, violation of this subsection (h) shall be grounds for revocation or suspension of the offender's limousine service license and limousine driver license.

(Ord. No. 00-960, § 2, 11-1-00; Ord. No. 05-940, § 6, 8-3-05; Ord. No. 07-227, § 11, 2-14-07)

Sec. 46-234. License issuance procedure.

(a) The director shall initially review each application for issuance or amendment of a license to determine whether the application is complete and all required information has been provided. If not, the application shall be returned, and the applicant shall be so advised.

(b) The director shall review completed applications to determine whether the applicant has met all applicable requirements of this article and of other applicable provisions, including section 1-10 of this Code. If so, the director shall issue the license without conducting a hearing. If, based upon the review, the director determines that one or more requirements may not have been met, the director shall afford the applicant the right to a hearing as provided in subsection (c), before acting on the application.

(c) Prior to the denial of an application, the director shall afford the applicant notice of the proposed grounds for denial and that the appli-

cant may, within thirty days following the date of deposit of the notice in the mail request a hearing. Where the grounds are based in whole or in part upon section 1-10 of this Code, the hearing shall conform to the requirements of section 1-9 of this Code with respect to those grounds. Hearings shall be conducted by a hearing officer designated by the director for that purpose. The director shall not designate a person to act as hearing officer who participated in the review of the application. Hearings shall be conducted in a manner that is consistent with principles of due process; the applicant may be represented by legal counsel, may present evidence and cross examine witnesses presented by the city. The decision of the hearing officer, which shall be based upon the preponderance of credible evidence presented, shall be final, subject to the applicant's right to appeal pursuant to state law if the denial is based upon section 1-10 of this Code.

(d) In the event that the license is approved, issuance shall be subject to compliance with this article, including, but not limited to, payment of any required fees, inspection of vehicles to be utilized, and submission of proof of insurance.

(e) A chauffeured limousine service license does not entitle the licensee to act as the driver of covered vehicles. A separate limousine driver license is required for that purpose as provided in section 46-239 of this Code.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-235. License; term; renewal; number of vehicles; identification certificate.

(a) Licenses shall be issued for a term of five years. Licensees desiring to have reissuance of their license shall, at least 60 days prior to the expiration of the license, file with the director a written application for a renewal of their license. Except as otherwise expressly stated, renewals shall be subject to the same requirements set forth in this article for issuance of new licenses. A license shall be valid only for the vehicles listed thereon and any vehicles reported under an amendment to the application filed pursuant to section 46-233 of the Code, which vehicles must also pass inspection under section 46-236 of the Code.

(b) In addition to the vehicles regularly operated by a licensee, the licensee may place one or more vehicles into use on a temporary basis from time to time to meet seasonal or unexpected needs in accordance with this subsection. Temporary vehicle medallions shall be issued for a term of 30 consecutive calendar days to commence on the date of issuance at a fee of \$50.00 per vehicle, per medallion, upon provision to the director of proof of the identity of the vehicle to be used including verification that the vehicle is in compliance with all requirements of this division including proof that it is insured as required in section 46-238 of this Code and has been inspected and approved for use as provided in section 46-236 of this Code within six months preceding the date the temporary medallion is issued. For vehicles placed in service on a temporary basis that are less than or equal to two years of age (manufacturer's model year date counted as first full year) proof of a valid state inspection will suffice for the requirement of section 46-236 of this Code. If the licensee's insurance policy on file with the director pursuant to section 46-238 of this Code also covers the vehicles that will be placed in service on a temporary basis, no additional proof of insurance is required.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-236. Inspection fee; maintenance equipment.

(a) Each licensee shall cause each limousine operated under his license to be submitted for inspection by the director from time to time at intervals not exceeding 12 months as more particularly provided in section 46-237 of this Code. The director shall inspect each limousine and determine whether it is in full compliance with the terms of this article. If so, the licensee shall be given an inspection compliance decal for the limousine, which shall be valid for 12 months from the date of its issuance. The inspection compliance decal shall be affixed by the director to the windshield of the vehicle. It shall be unlawful to drive or to cause to be driven any limousine licensed under this division that does not have a current inspection compliance decal affixed by the director.

Each licensee shall pay to the director an inspection fee for the inspection services described in this section in the amount of \$25.00 per limousine, per calendar year, provided that the fee for the balance of the calendar year shall be reduced to \$12.50 for any limousine that is initially placed in service or after July 1.

(b) All vehicles shall be maintained in a safe and sanitary condition at all times and shall always be maintained in first class mechanical condition.

(c) All vehicles shall be air-conditioned and equipped with interior and exterior rearview mirrors, windshield washers and two-speed windshield wipers, proper headlights and taillights that shall be in operation from one-half hour after sunset to one-half hour before sunrise when the limousine is in operation. The inspection shall include, but not be limited to, the following items: Vehicle identification number; date of purchase; foot brakes; emergency brake, headlights; taillights; brake lights; turn signal lights; license plate lights; horn; two-speed windshield wipers; interior and exterior rear vision mirrors; air conditioner; tires; muffler and tail pipe; condition of the body; condition of the fenders; condition of the paint; condition of the interior; current state inspection sticker; state license plates; speedometer readings; mileage; steering. Brakes, seat belts and all other safety, noise and antipollution requirements specified by the United States Government and the state shall be complied with at all times. The brakes shall always be kept in first class working order.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-237. Tests and inspections of limousine vehicles.

The director or his duly appointed representative, may at any time, and shall at least once each year, make tests and inspections of all limousine vehicles then in operation to assure that they are in compliance with the terms of section 46-236 of this Code, and if as a result of the inspection or test any limousine vehicle is found not to comply with any of the requirements therein set out, the licensee shall be notified of the defects observed and he shall immediately correct same to the

satisfaction of the director. Any vehicle that is the subject of the notification shall not be operated on any street of the city until it has been reinspected and determined to be in compliance with the requirements of inspection. The director and any employee to whom he may designate the duty of inspection of limousine vehicles shall be given ready access to the vehicles at all reasonable times. Failure to submit a vehicle requested for inspection by the director shall be cause for suspension of the inspection compliance decal assigned to that vehicle for a period of three days for the first offense, 15 days for the second offense, and revocation upon the third offense. (Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-238. Insurance requirements.

(a) Notwithstanding any other provision of this article to the contrary, no chauffeured limousine service license shall become effective until the person to whom the license is granted shall have filed with the director the standard policy of public liability and property damage insurance executed by an insurance company duly and legally authorized to do business in this state insuring the general public against any loss or damage that may result to any person or property from the operation of limousine vehicles covered by his license.

(b) The public liability insurance herein provided for shall have limits of not less than \$250,000.00 for bodily injury to one person or the death of one person, and \$500,000.00 for bodily injury to or death of all persons injured or killed in any one accident and \$100,000.00 for property damage.

(c) The insurance shall be for the protection of the passengers of limousine vehicles as well as for the general public, but shall not be required to cover personal injuries sustained by the servants, agents or employees of the licensee. The policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and a provision requiring that 30 days written notice shall be given the city before cancellation of the policy is effective.

(d) If any insurer desires to be released from any insurance policy filed under this section, he may do so by giving written notice to the director at least 30 days before he desires to be released from liability. The director shall thereupon give written notice by certified mail, return receipt requested, to the licensee and demand that such licensee furnish evidence of new insurance obtained before the expiration of the policy.

(e) If any policy is cancelled as herein provided, or expires, and no new policy is filed by the licensee before the cancellation or expiration of the original insurance, the chauffeured limousine service license shall automatically be suspended, and the licensee shall discontinue the operation of the affected vehicles within the city. In addition to the automatic suspension, the director may revoke the license following ten days written notice to the licensee and an opportunity for a hearing.

(f) The insurance required in this section shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form that has been promulgated by the city for that purpose. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference. (Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-239. Driver license; other driver requirements.

(a) No person shall operate a limousine upon the streets of the city unless he holds a current and valid city limousine driver license.

(b) At all times while in service, whether physically operating a limousine, assisting passengers, or performing other duties attendant to the provision of limousine service, it shall be the duty of the driver to conspicuously display his limousine driver license upon his upper chest. The license may be attached to the driver's outer shirt or jacket pocket or lapel, suspended from a necklace or displayed in an equivalent manner on the driver's outer garments. In any prosecution under this subsection, it shall be presumed that the

driver was not in possession of a current and valid limousine driver license if the license card was not conspicuously displayed as aforesaid.

(c) Limousine driver licenses shall be issued in all respects on the same basis and subject to all of the same requirements established in division 3 of article II of this chapter for the issuance of taxicab driver licenses.

(d) Each driver shall, while operating a licensee's limousine, wear a men's or women's business suit (jacket and matching slacks, dress, or skirt) or a chauffeur's uniform with a dress shirt or blouse and, for men, a tie, provided that the jacket need not be worn during the months of May through October, or at any time while the limousine is in motion.

(e) It is an affirmative defense to prosecution under this section that the person driving a limousine had been engaged by the licensee to perform repairs or servicing of the vehicle, and that the vehicle was not in service at the time of the alleged offense.

(Ord. No. 00-960, § 2, 11-1-00; Ord. No. 03-1046, § 20, 11-12-03)

Note—See editor's note at Ch. 46, Art. IV.

Sec. 46-240. Reserved.

Sec. 46-241. Operation from licensee's usual place of business, etc.

A chauffeured limousine service licensee shall operate only from his usual place of business, and his vehicles shall be dispatched therefrom; provided, however, if any licensee has a written agreement authorizing the licensee to operate from a hotel or motel, that place shall be considered a usual place of business when a copy of the agreement is filed with the director. The licensee shall not operate, house, store or maintain any of his vehicles at any place of public accommodation unless the limousine is at that time hired. The licensee's drivers shall not approach potential customers in any public place for the purpose of soliciting their business, and no advertising sign shall be displayed inside the limousine at any time; and the only advertising that may be displayed outside the limousine shall be limited to the name and telephone number of the licensee on

the front and rear license plate frames in individual letters not to exceed one inch in height and width with the cumulative size not to exceed beyond one inch the length and width of the license plates.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-242. Schedule of fares.

(a) The minimum fare of \$70.00 shall be charged the person renting or leasing the chauffeured limousine service, and if the limousine is under hire for two hours or less, this sum shall be treated as the rental for such period of hire. For the third hour, and all hours thereafter, the minimum fare shall be not less than \$15.00 per hour. Fares shall be pro-rated for all times in excess of two hours. The minimum fares specified in this section may include obligatory gratuity, tolls, parking fees and fuel surcharges. Provided further, per capita charges are specifically prohibited.

(b) Licensees shall file with the director a schedule of fares, which schedule must be approved or denied within 15 days after receipt by the director. Failure of the director to act on the request shall be deemed to be a denial by him.

(c) It shall be unlawful for any person to operate a chauffeured limousine service, or to offer or agree to provide chauffeured limousine service, or to rent or lease motor vehicles, including the service of a driver, for chauffeured limousine service, for less than the minimum fare prescribed in subsection (a).

(Ord. No. 00-960, § 2, 11-1-00; Ord. No. 05-940, § 7, 8-3-05)

Editor's note—Section 13 of Ord. No. 05-940 states that the provisions of section 46-242 of the Code of Ordinances, Houston, Texas, as that section read prior to its amendment in Section 7 of Ord. No. 05-940, shall continue to apply to agreements for renting or leasing chauffeured limousine services that are executed before the effective date of this Ord. No. 05-940, and the former provisions of section 46-242 of the Code of Ordinances, Houston, Texas, are saved from repeal for the limited purpose of their continued application to those agreements for one year after the effective date of this Ord. No. 05-940.

Sec. 46-243. Written vehicle rental agreements.

(a) A written or electronic instrument of hire shall be entered into by the chauffeured limousine service licensee and any person renting or

leasing any limousine. The instrument shall include, among other things: the date and time of hiring; the date and time of release of the vehicle; the rates applicable to the vehicle; a signature line for the chauffeur; and the names of the leasing or renting party. The instrument of hire for service originating at city airports shall also include the passengers' names, airline name, flight number, airport terminal and scheduled date and time of arrival. A copy of the instrument shall be delivered to the renting or leasing party at the time the vehicle is released, or if a monthly statement is submitted, at that time. A completed copy of the bill submitted showing total fare charged and received, shall be retained by licensee for a period of two years from the date of contract. The licensee shall make available to the director or his designated agent completed copies of the instrument at any time within the two-year period.

(b) A copy of the vehicle rental instrument form shall be filed with the director, who shall approve the form before the licensee may operate his vehicles under this article.

(c) No limousine driver shall operate a limousine upon the property of any city airport except for the purpose of discharging passengers whose trips originated elsewhere or for the purpose of rendering service to deplaning passengers who wish to be transported from the airports. No limousine driver shall park or stand his limousine upon airport property except for the purpose of actually loading or unloading passengers in accordance with an instrument executed under subsection (a), nor shall any limousine driver enter or remain upon airport property unless his limousine has permanently affixed on the windshield an automatic vehicle identification tag in accordance with policies and procedures promulgated by the director of aviation. It shall be the duty of each driver to present a copy of the instrument required under subsection (a) to any aviation department employee, finance and administration department employee, or peace officer upon request to evidence compliance with this section. If the driver fails to produce the instrument evidencing compliance, it shall be presumed in

any prosecution under this subsection that the driver's presence upon the airport property was unlawful.

(d) Violation of any provision of this section shall, consistent with the revocation and suspension procedures established in section 46-244 of this Code, be grounds for suspension of the limousine driver license for not less than 15 nor more than 30 days on first offense, and revocation of the limousine driver license on second offense. (Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-244. Revocation or suspension of license.

(a) Should the director determine upon his own initiative or upon complaint that any licensed chauffeured limousine service is not being operated in compliance with the terms of this article, or that any licensed driver has violated the terms of this article, the director shall notify the licensee or driver of his determination, pointing out the respects in which the licensee or driver is not complying with the article and notifying the licensee or driver of the date, time, and place of a hearing on the matter.

(b) The director shall, within ten days after the hearing, render his decision on the hearing, which decision may revoke or suspend the chauffeured limousine service license or limousine driver license, as applicable. The decision of the director shall be based upon the clear and convincing weight of the evidence adduced at the hearing and upon the standards set forth herein, and the decision shall be final.

(c) The chauffeured limousine service license or limousine driver license may be revoked if the licensee is convicted of an offense as specified in section 1-10 of this Code. If it appears that the licensee has been convicted of such an offense, the director shall follow the procedures set forth in section 1-9 of this Code.

(d) Notwithstanding the foregoing, if a limousine service licensee fails to pay when due any semiannual license fee installment(s) provided for in section 46-232 of this Code, his license shall automatically be revoked.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-245. Transfer of license.

A chauffeured limousine service license may not be transferred.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-246. Inspection—After accident.

A limousine involved in an accident shall not thereafter be used in limousine operations until it has been inspected by the director. If the director's inspection reveals that the limousine has been damaged to an extent that it is not in a reasonably good operating condition from the standpoint of the safety, health and comfort of passengers, or that the limousine has suffered damage in excess of \$1,000.00, the limousine shall be ordered out of service until the director has authorized the return of the limousine to limousine operations, which authorization shall not be given until proper repairs or corrections have been made.

(Ord. No. 00-960, § 2, 11-1-00)

Sec. 46-247. Accident reports.

When a limousine is involved in an accident or is in a collision with any other vehicle of any kind whatsoever that results in any injury or damage to any person or property, including the limousine but not limited thereto, the driver of the limousine, if a person other than the licensee, shall report the accident to the licensee without delay. The licensee shall report to the director all accidents upon forms to be designated by the director, which shall include the following information: The owner of the limousine, the driver's name, his license number, and the time and location of the accident.

(Ord. No. 00-960, § 2, 11-1-00)

ARTICLE V. SCHOOL VEHICLES*

DIVISION 1. GENERALLY

Sec. 46-276. Definitions.

When used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Director means the director of finance and administration or his designee.

For hire means in exchange for monetary or other valuable consideration. The term expressly excludes car pooling or ride sharing arrangements for which no fee is imposed.

License means a current and valid license issued under this article.

Licensee means the holder of a license.

School means a public or private facility offering any one or more of: (i) day care or preschool programs, (ii) kindergarten, (iii) regular grades 1 through 12 or (iv) alternative programs for students under 21 years of age who have physical or learning disabilities or other special needs. The term also includes governmentally-sponsored job training centers, regardless of the age of persons attending the centers.

School vehicle means any motorized vehicle, whether a conventional sedan, station wagon, van, bus or other type, that is used for hire to transport students to or from any school that is situated in the city or that is used under the sponsorship of the school to transport students to or from any school-sponsored activity of a school that is situated in the city. The term excludes any vehicle owned or leased by the person who operates the school and operated by that person's employees for the primary purpose of providing transportation to students of the school, and any intrastate or

***Editor's note**—The provisions of Ord. No. 95-103, § 1, adopted Jan. 25, 1995, have been treated as superseding former art. V. div. 1, §§ 46-276—46-282, div. 2, §§ 46-291—46-295, and div. 3, §§ 46-306—46-316, which pertained to similar subject matter. See the Code Comparative Table for a detailed analysis of inclusion.

Secs. 46-248—46-275. Reserved.